AN ASSERTION FOR True and *Christian* CHURCH-POLICIE.

Wherein

Certain Politike Objections made against the planting of PASTOURS and Elders in every *Congregation*, are sufficiently ANSWERED.

AND

Wherein also sundry projects are set downe, how the Discipline by *Pastors* and *Elders* may be planted, without any derogation to the Kings Royal Prerogative, any indignity to the Estates in *Parliament*, or any greater alteration of the laudable Lawes, Statutes, or Customes of the Realme, than may well bee made without damage to the people.

Wherein the independent Government is not defended.

By *William Stoughton* sometimes Professor of the Civill Law.

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To the Right Honourable the LORDS and COMMONS Assembled in High COURT of *Parliament*.

Right HONOURABLE, &c.

THE Ensuing Treatise which I am bold to present to Your wisedomes view, containes principall politicall reasons grounded upon the Lawes of this Kingdom, for the removing of the present Hierarchie, and planting of a Governement by Pastors and Elders. The appellation of Lay Elders hath beene very displeasing to many; whereas the Elder intended to be planted, is not lay, but in regard of the service (wherein hee is to bee imployed) Ecclesiasticall. The Author was an elaborate Student in the civill Law, and a professor of it. He was esteemed

learned by the beſt of that profeſsion, as alſo by Divines and common Lawyers, learned Sir *Edward Cook*, late Chiefe Juſtice of the Kings Bench, Sir *Chriſtopher Yelverton*, late Judge of the Common Pleas, Sir *Henry Finch*, late the Kings Serjeant at Law, and others have given teſtimony of him. The Treatiſe is an anſwer to diverſe paſſages in a Book written by D. *Whitgift*, late Archb. of *Canterbury*, intituled An admonition to the *Parliament*. The Author (as I doubt not but will appeare to your Wiſedomes) hath written with the ſpirit of meekeneſſe and humility, ſubmitting all to the judgement of an High Court of *Parliament*, hee diſputes with the Great Biſhop in a Scholaſticall way, without one ſyllable of reviling, or bitter language, which he ever deteſted. Hee diſcovers the foundation of the Hierarchie to be totally illegall, and to bee aboliſhed by the abolition of the Papall Canon Law, which appeares to be aboliſhed by the ſtatute of 25. of *Henry* 8. *cap.*9. The truth whereof (being diſcovered by the Authors meanes to the ſaid learned Judge Sir *Edward Cooke*,) hee did moſt ingenuouſly acknowledge, and did avow he never underſtood the ſtatute ſo well before, yet affirmed he thought he had read the ſaid ſtatute an hundred times. May it pleaſe you in your wiſedomes to commend the Treatiſe to bee viewed by the learned Gent. of the long Robe,

whoſe

whoſe awfull judgments I ſhall ever honour. Moſt true it is (I dare averre) there is little written in this Kingdome tending to the removall of the *Epiſcopatie*, from Legall and Politicall arguments, but the Author hath the arrowes in his quiver, I ſay not that others have borrowed light from his Candle. Right Honourable and Right worthy, I ſhall humbly take further boldnes (humbly preſuming upon your Honourable favours) if this poore model find acceptance in your ſight, to preſent you with a new impreſsion of an abſtract written in time of famous Queene *Elizabeth*, (a Book well knowne to learned King *Iames*) by the ſame Author, whoſe memory, I am bound by nature to Honour. Give mee leave onely now to make knowne unto you the Title and ſeverall Treatiſes contained in it. It is intituled, An abſtract of certaine Laws, Canons and Conſtitutions Synodall and Provinciall in force within the Queenes dominions, and for the moſt part unknowne to the ſubject. It containeth theſe principall Treatiſes, 1. That a learned Miniſtery is commanded by Law. 2. That Pluralities are forbidden by Law. 3. That it is unlawfull to make a Miniſter without a title. 4. That it is unlawfull for a Clerk to have civill authority. This abſtract was ſeemingly anſwered by the rayling ſtile of a then Doctor *Cozens*, but by a further incounter,

and

and the counterpoyſon (yet extant) written by the ſame Author, he departed the Field with Honour, ſuch was the opinion of many learned, among others of the foreſaid, Reverend Judge, Sir *Henry Yelverton*. This treatiſe was never queſtioned nor quarreld, for ought I ever heard: Yet was the Author well knowne to many of the Biſhops. You may happily in your Wiſdomes conceive ſome things might have beene omitted, as not wholly incident to the time, and ſome abbreviated in regard of the ſhortneſſe of your time, and of the high affaires now in hand. But may it pleaſe you, being about ſo to doe, I found the light muſt have bin much Eclipſed, and the truth obſcured. I am over bold, moſt humbly to commend the defence of what he writes, grounded upon the laws of the Kingdome, to your moſt Honourable protection. It ſhall be enough for me to attend among the meaneſt of your ſervants, having heretofore had the happineſſe to have bin a member (though unworthy) of the Honourable Houſe of Commons.

Preſenting your honours and your grave wiſdomes with my heartieſt prayers and humbleſt ſervice, In moſt humble manner, I intreate your pardon of and for

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AN

AN ASSERTION FOR True and Christian Church-Policie:

Wherein certaine politike Objections made against the planting of Pastors and Elders in every Congregation, are sufficiently answered. And wherein also sundry projects are set downe, how the Discipline by Pastours and Elders may be planted, without any derogation to the KINGS Royall Prerogative, &c.

ADMONITION.

THE reason that moveth us, not to like of this platform of Government, is, that when we, on the one part, consider the things that are required to be redressed; and on the other, the state of our Country, People, and Common weale, we see evidently that to plant those things in this Church, will draw with it so many and so great alterations, of the state of Government, and Pag. 79.

of the Lawes, as the attempting thereof, might bring rather the overthrow of the Goſpell among us, than the end that is deſired.

ASSERTION.

THe benefit of all exceptions, and advantages, to the invaliditie, uncertaintie, imperfections, and inſufficiency, of this admonitory bill, and matters therein contained, alwayes ſaved; for anſwere to ſo much as concerneth this clauſe, and every other clauſe, and article, of the bill hereafter following, and without that, that there is any matter, or thing, in the ſame bill of admonition materiall, to be anſwered unto, and not herein, or hereby ſufficiently anſwered, confeſſed, and avoided, traverſed and deemed is true, in ſuch manner and forme, as in the ſame is ſet forth, and declared; the defendant is ready to aver, maintaine, and prove his anſwer, as ſhall pleaſe the King, to award, and to command. And therefore he moſt humbly beſeecheth the King, if it pleaſe the King, and that hee have found favour in his ſight, that his exceptions may be admitted, and read, and that his counſell, learned in the law, may be heard, and ſuffered to ſpeake.

Booke of Com. Pray. tit. Commination. Homil. 2. part. of the right uſe of the Church. Admo. pag. Whitgift p. 654. M. Nowell in his Cate. M. Calvin. M. Iunius. Looke Peti. to her excellent Majeſtie, p. 11.

This platforme of government, intended by the admonitor, not to be liked of in this place, is that platforme of Church government, by Paſtours and Elders which the Booke of Common Prayer, the Doctrine of the Church of England doe highly command, and which he himſelfe Maſter D. *Whitgift*, now Lord Archbiſhop of *Canterbury*, and very many other (*c*) reverend Divines of our age, doe publikely confeſſe in their writings, to have beene practiſed by the Apoſtles, and Primitive Church. From whence it followeth that the government of the Church, by Archbiſhops, Biſhops, Suffraganes, Archdeacons, Deacons, Chancellours, Commiſſaries and Officialls, now already planted and liked of, was not practiſed by the Apoſtles and Primitive Church. And therefore for my part, I cannot, but marvell, that a diſciple of the Apoſtles Doctrine, and a ſucceſſor in the Apoſtles Chaire, ſhould be drawne to humane reaſons, not to like of the Apoſtles government, nor to tread in the ſteps of the Primitive Church. For ſeeing the ſame is acknowledged by himſelf to be the firſt ways to be the old and ancient way, as being the Apoſtles way, why ſhould we not walke therein, as in the only good and perfect way? The reverend Biſhops will not deny, that the Apoſtles, and Primitive Church for their manner of governement, had the mind of Chriſt,

Ier. 6. 16.

and

and that we ſhould follow the Apoſtles, as having them for examples, becauſe they were the followers of Chriſt. Againe they cannot but grant, that the manner of governement, practiſed by the Apoſtles and Primitive Church, is written within the booke of the covenants of grace. All which notwithſtanding we ſee in this place, that from the new Teſtament, from the Articles of grace, from the law, from the teſtimonie, from the example of the Apoſtles, and from the mind of Chriſt, we are addreſſed and turned over to our ſtate of government, to our countrey, to our people, to our Common weale, and to our Lawes. But this turning of deviſes ſhall it not bee eſteemed, as the Potters clay? Iſa. 29. 16.

But (ſaith he) to plant thoſe things in this Church, which are required to be redreſſed, might bring rather the overthrow of the Goſpell, than the end, that is deſired. Indeed (ſay I) if this might be as ſoone proved, as it was ſoone ſaid, the caſe might have gone well with him. But this parable is ſo darke, that (unleſſe it be opened) there is no light at all to be ſeene in it. For he well knew, that inſtead of the government practiſed by the Apoſtles and Primitive Church, the juriſdiction of Archbiſhops, Biſhops, Suffragans, Deacons, Archdeacons, Chancellors, Commiſſaries, and Officials, is already planted in this Church; And he was not ignorant alſo that the ſame juriſdiction only, and none other, is required to be redreſſed. Now then if requeſt be made, that this manner of governement be redreſſed, how can it evidently bee ſeene that to plant that manner of government, might bring rather the overthrow of the Goſpell than the end that is deſired? But it may be that he meant more lightſomely than he ſpake. Yea let it be, that he intended thus: *viz.* to unplant that, which is now planted, and to plant thoſe things, which are yet unplanted (by reaſon of many and great alterations) might bring rather an overthrow of the Goſpell, than the end that is deſired; well (I ſay) be it ſo, that he thus meant. How is this thing evidently ſeene, or how can it evidently be proved? The beſt ſight, that the ſervant of Chriſt can have, is faith. For Faith is an evidence of things which are not ſeene. This overthrow then of the Goſpell, not being ſeene with his bodily eyes, muſt needs be intended to have beene ſeene with the eyes of his faith, But where is the word of Chriſt, whereupon the eyes of his faith were fixed? If then he hold no word of faith, then of neceſſitie was his evident ſight, but an evident fancy. And in deed what elſe could it be? For what other thing is there deſired, to bee planted in this Church, but only the Apoſtolicall government of Chriſt? And what Heb. 11.

other Goſpell could hee evidently ſee, that might bee overthrowne by holding forth this ſcepter, but only the Apoſtolicall doctrine of Chriſt? A marvellous ſtrange and unkinde ſight, (I trow) to be ſeene, that the Apoſtolicall Governement could no ſooner bee planted, but that the Apoſtolicall doctrine muſt needs be rooted up. That Chriſt by his owne ſcepter, were not able to maintaine his owne grace, by his owne order, ſhould weaken his owne oath, or by his owne ſword, ſhould cut from the people of God, his owne Word. But ſeeing it was his purpoſe to perſwade the people unto a diſlike of the Apoſtolicall government, by arguments and reaſons drawne from humane policie, rather than to confirme them in a good opinion of the Prelaticall Government, by proo es taken from the authoritie of holy Scripture, we will follow him in this his veine. Yea, and by the help of God, we will try of what efficacy, ſuch his politike and humane reaſons may be, as wherewith he did aſſay, to diſſwade the people from conſenting u to any other manner of Church Government, than is already ſetled among us. The generall effect of all which, both here and elſe where ſpoken of, by him briefly gathered, is this:

Such things may not be plan ed in the Church of England, as by attem ting, the planting whereof, there is an evident ſight, that the Goſpell among us, may be overthrowne.

But there is an evident ſight, that the Goſpell among us, may be overthrown, by attempting, to plant that Government in the Church of England, which was practiſed by the Apoſtles and the Primitive Church, Therefore that manner of Governement may not be planted.

The aſſumption of which ſillogiſme, hee endeavoureth to confirme thus, whatſoever will draw with it, many, and great alterations of the ſtate of Government, and of the lawes, the ſame may bring rather the overthrow of the Goſpell, than the end that is deſired: but the planting of the Governement practiſed by the Apoſtles and Primitive Church, will draw with it, many and great alterations, of the ſtate of Government, and of the lawes.

Therefore the planting of this manner of government may rather bring an overthrow of the Goſpell, &c.

If any ſhall object that by thus gathering his argument, I had in this place falſified his argument, by adding more, than is here expreſly uttered by him: let ſuch one underſtand, that this charge is but a meere and needleſſe cavill. For ſithence both here, and throughout his booke, his intent was to diſpute for the governement already received, againſt the governement, which is required, to bee planted, in the Church:

And

And for ſo much alſo, as none other governement, is required to bee planted, but that only Government, which was practiſed, by the Apoſtles and Primitive Church, it muſt neceſſarily follow, that the arrowes which he ſhot againſt the government required to bee planted, were ſhot only againſt the governement which was practiſed by the Apoſtles, and the Primitive Church. And therefore there can be no juſt charge of any falſification, uſed in the gathering of his arguments. Againſt which I argue as olloweth:

Whatſoever Will draw with it no alterations of the ſtate of Governement, and but few, or ſmall alterations of the lawes, the ſame may rather bring the end, that is deſired, viz. *a godly peace, and Chriſtian unitie both in Church and Common Weale, than the overthrow of the Goſpell among us.*

But the planting of the government practiſed by the Apoſtles and Primitive Church, will draw with it no alteration of the ſtate of government, and but few or ſmall alterations of the lawes.

Therefore the planting of the Government practiſed by the Apoſtles, and Primitive Church, may rather bring the end that is deſired, viz, *a godly peace and Chriſtian unitie, both in Church and Common weale, than the overthrow of the Goſpell among us,*

The truth of which argument will then appeare, when the Admonitors argument ſhall be convinced of errour: for the diſproofe of the one, is the proofe of the other, and if his fall, then cannot this but follow. And touching the invaliditie of the firſt propoſition, of his ſecond Sillogiſme, we affirme, that the alterations, of the ſtate of government, and of the Lawes (bee they never ſo many and never ſo great) can never bring any overthrow of the Goſpell, if the ſame alterations, be made, for the planting of the Goſpell. For the lawes once altered, can overthrow nought, becauſe they are then no more lawes. And to ſay, that the Goſpell once planted by authoritie of new lawes, can be overthrowne by the ſame lawes, is more abſurd. For the new lawes give life to the entertaining of the Goſpell, by means whereof, the Goſpell, can not diſcontinue, ſo long as thoſe lawes continue. And hereupon alſo it followeth, that no alteration of lawes, for ſweeping, and cleanſing of the Church, for caſting, and whipping buyers and ſellers, and choppers of Churches, out of the Church, can overthrow the Goſpell. For if all droſſe, filth, and corruption, be caſt out; if all lets, and impediments, be done away, it cannot be but that the Goſpell, muſt needs have a freer, and larger paſſage, as whereunto a wider doore can not bee, but opened, for the bringing in of a

sol. song. 6. 3, 4

more pleutifull harveſt. And if the Church be beautifull as *Tyrſa*, and comely as *Ieruſalem*, if ſhe looke as the morning, If ſhe be faire as the Moone, pure as the Sunne, and terrible as an army, then is ſhe ſet as a ſeale on the Lords heart, and as a ſignet upon his arme, and then ſhall the coales of his jealouſie be as fiery coales, and as a vehement flame, that much water ſhall never quench it, nor any floods ever drowne it. But if he ſhould rather meane, that the alterations of the ſtate of governement, ſhould be ſo many and ſo great, as that thereupon he did ſtrongly imagine, evidently to ſee the overthrow of the Goſpell, then we ſay that no ſtate of government, can ever undergo, either many, or few, either ſmall, or great alterations, unleſſe by alteration of lawes made by the ſame ſtate of Governmeut, the ſame ſtate of government be altered. Now then if our politike ſtate of government, (whereof hee muſt needs ſpeake, for otherwiſe his ſpeech were to no purpoſe) to amend and reforme abuſes in jt ſelfe, may juſtly put it ſelfe under the yoke of a new law, (as it hath done, and daily doth unto many new lawes) and ſo in this reſpect, after a ſort, in ſome part alter it ſelfe (for every reformation is a kinde of alteration) without any dammage, hazard, or prejudice to it ſelf, if (I ſay) this may well be ſo, what a filly skare-crow, is there here, brought into the field, to fray our politike ſtate of governement, for attempting a reformation in the Church? Belike he knew ſome to faine, that our ſtate of governement, muſt neceſſarily fancy whatſoever they fancy. And namely, that a reformation of the Church, cannot but inferre a deſolation of the State: or that the State cannot be well ordered except it ſuffer the Church to be diſordered: or that the Church could not be faire, well favoured, and in good plight, but the ſtate of our Countrey, people and common weale, muſt be foule, ill favoured and out of heart; or laſtly that the State cannot launce, binde, draw, and heale up the ſores, wounds, and contagions of the Church, but it muſt withall feſter, infect and poiſon it ſelfe. All which, how unſavorie and voide of all ſenſe it is, I leave to the judgement, both of the ſtate, and of the Church. For who ſeeth not, but that the ſtate of politike government, may wholly alter the ſtate of Church government, and not ſo much as alter one leaſt jot of the politike ſtate of government it ſelfe? Beſides, ſince our ſtate of politike government, hath in our dayes and before our eyes, repealed very many old lawes, and diſavowed ſundry ancient cuſtomes, to entertaine, and harbour the Goſpell, muſt our ſtate of politike government, no ſooner now attempt to repaire certaine breaches, made into the vineyard, but it muſt ſtreight wayes,

roote up, that which it hath planted, and pull downe that, which it hath builded? Hee that diggeth about, and dungeth, hee that ſpreadeth and pruneth the rootes and branches of a Tree, doth hee not rather quicken, than kill the roote? And doth hee not rather cauſe the boughes to ſprought, than the body to wither? Can ſeven times trying, and fining of Gold, breed a canker in Gold: or may a River bee dreined drie, by one who ſhutteth not, but openeth the Springs? The bodie of a corpulent, and diſeaſed man, the more it is purged, the more full of health it is, and of better conſtitution. And how then can it be concluded, that the Goſpell, the life and ſoule of the Church, can languiſh, and give up the ghoſt, when the Church for the better preſervation of her health, ſhall receive by ſome new and wholeſome law, ſome new and wholeſome purgative receite? Moreover, forſomuch as here is mention made, how the publiſhers of this Booke, did conſider on the one part, of things that were required to bee redreſſed, and on the other ſide, of things required to bee planted, together with the ſtate of our Countrey, People, and Common weale; it is plaine, that their reſolution was rather ſtill to continue things amiſſe, in the Church unredreſſed, than to plant the things required, to be planted. And alas, what a reſolution was that among pillars and Fathers (for ſo they will bee counted) of the Church? Eſpecially, when as the things required to be redreſſed, were required to bee redreſſed at the hands of the whole ſtate of governement, that is, at the hands of the Queene, the Lords Spirituall and Temporall, and Commons in open Parliament aſſembled. And could any dammage (I pray you) have enſued to the ſtate of Government, to the ſtate of the Queene, to the ſtate of our Countrey, People, Common weale, and Lawes, or to the ſtate of the Goſpell, if things amiſſe in the Church, had beene redreſſed, and things wanting in the Church, had beene planted by ſo high, and ſupreme a power? I trow not. Nay ſeeing our Countrey, People, and Commmon weale, not only once, and twice, and thrice, but many times, have humbly and earneſtly prayed, and ſolicited in open Parliament, a redreſſe of things amiſſe in the Church, is it not moſt evident, that things were not conſidered aright but amiſſe by theſe Fathers of the Church? And that the conſiderers by keeping things unplanted, rather aymed at their owne profit, honour, and dignitie, than that our Countrey, People, and Common weale, ſhould fare the better, by having things amiſſe, to bee redreſſed? The conſiderers then being them ſelves parties, yea and ſuch parties

ties as by whom things were carried amiſſe, in the Church, and whoſe defects only were required to be redreſſed: no marvell (I ſay) if they uſed all kinde of artificiall adviſement and conſideration, to keepe things ſtill unplanted, by the planting whereof their owne unfatherly miſcariages, muſt have beene reformed.

On the other ſide, if things required to be planted, might indeed be once planted, howſoever happily our former Church officers, might bee ſomewhat male-contented, and diſcouraged, to have their ſuperfluities pared, and the edge of their ſwords abated, yet is there no leaſt cauſe at all, for our Countrey, people, and Common weale to feare any trouble, or hurly burly among us. For if the hand of God be in Judah, ſo that he give the people one heart, to doe the commandement of the King, and of the Rulers, according to the word of the Lord, and if the King, the Nobles and Commons ſhall condeſcend and agree in one, and if their voices ſhall be all, but as the voice of one man, to allow and approve that, which doth touch and concerne them all, then ſhall neither the Nobles have any occaſion to diſdaine the Commons, nor the Commons any reaſon to envie the Nobles. Much leſſe can the Nobles be at variance with the Nobles, nor the Commons be at defiance with the Commons. For they bee all of them ſo prudent, and ſo provident, as that they will not bite one another, leſt they ſhould be devoured one of the other. And in deed, why ſhould any of our Clergie-Maſters be ſo void of judgement, as to deny the Nobles and Commons, after foure and forty yeares experience, of a moſt proſperous peace, waiting upon the Goſpell, to be now growne ſo uncircumſpect and ſimple witted, as that a reformation of diſorders to be made by their conſents in others, ſhould bring forth a confuſion in themſelves? What? will they bicker one with the other, will they beate, and buffet one another, when there is no cauſe of diſagreement, or variance betweene them? For they ſhall be ſure to loſe neither libertie, nor dignitie; they ſhall endanger neither honour, nor profit. Our Nobles ſhall be tref-noble ſtill, they ſhall be Princes and Captaines over our people: They ſhall be Deputies and Preſidents in our publike Weale: They ſhall be Peeres, and Ancients of the Kingdome: their Priviledges, Prerogatives, Preeminences, ſtiles, enſignes, and titles of proweſſe, and honour, ſhall not be raced, defaced, or diminiſhed. But they ſhall (as they may and ought) remaine and continue whole, and inviolable, both to them, and their poſterities, throughout their generations. Our Judges, Juſtices, and Lawyers, ſhall have and enjoy their authorities, credits, and reputations, as in ancient times. They

2 Chron. 30 12.

ſhall

ſhall be recorders of our Cities, Townes, and Boroughs: They ſhall be Stewards of Kings Leets and Lawdayes. Our Knights, Eſquires and Gentlemen, ſhall ſtill bee Burgeſſes in Parliaments, and Conſervators of the Kings peace: they ſhall bee Aſſiſtants to examine and repreſſe theſts, rapines, murders, robberies, riots, routs, and ſuch like inſolencies. Yea they ſhall be our Spokes-men, and our Dayes-men, to arbitrate and compoſe, ſtriffes and debates betweene neighbour and neighbour. Our common people, they without diſturbance, ſhall quietly and peacably, retaine and injoy (as in former ages) their immunities, franchiſes and liberties, as well abroad as at home, as well in their houſes, as in their fields. They ſhall poſſeſſe their tenancies without ejection, they ſhall bee inheritors without expulſion, as well to the lawes, liberties, and cuſtomes, as to the lands and poſſeſſions of their Anceſtors. They ſhall not bee compelled to goe to warfare upon their owne coſts, they ſhall not be tryed, arraigned, or condemned, by forraign power, or by forraigne Lawes. There ſhall no husbandry, no clothing, no handicraft, no mariner, no marchandiſe, no lawes of the Land, no manner of good learning whatſoever in Schoole, Colledge, or Vniverſitie, be decreaſed or laid aſide. Wherefore the Admonitor toying neverſomuch; howſoever hee hath made his flouriſh, and caſt about with his *May bees*, his, *I feare*, his *pray God*, his *yfes*, and his *andes*, howſoever (I ſay) it pleaſed him to triſle with theſe gew gawes; yet ſhall none ever be able, to prove by any proofes drawne from the holy Scripture, or humane reaſon, that any hinderance, indignitie, or incumbrance can ever betide our Nobles, our Commons, the ſtate of our Countrey, People, Lawes, or Common-Weale, if the ſtate of Church-governement, were tranſlated from Archbiſhops, Biſhops, Archdeacons, Chancellours, Commiſſaries, and Officials, (which are officers in the houſe of God, only according to the commandements and traditions of men) unto the government practiſed by the Apoſtles and primitive Church, which they cannot deny, but muſt confeſſe to have been according to the holy pleaſure of God. Nay our Nobles, and our Commons, are moſt aſſured to bee ſo farr from being endammaged, or loſing ought hereby, as hereby they ſhall purchaſe that unto themſelves, which never yet any oppugner of ſo good and holy a cauſe, could attaine unto. Namely, they ſhall ſeale up unto their owne ſoules, infallible teſtimones of good and ſincere conſciences: teſtimonies (I ſay) of their fidelities unto God, teſtimonies of their allegiance unto him, by whom they have beene redeemed, and teſtimonies of love, and compaſſion unto the whole Church

of God. Nay further, our Commons ſhall be ſo farre from bringing a dammage upon themſelves, as they ſhall marvellouſly benefit themſelves. Firſt by purchaſing unto themſelves, a large immunitie from many foule and great grievances, and exactions of money impoſed and levied upon them, by Officers and Deputies of Archbiſhops, Biſhops, Archdeacons, *&c.* Secondly, by having the Lord Chriſt, whoſe cauſe they undertake, and whoſe glory they advance, to bee a friend unto their friends, and an enemie unto their enemies. And if our Nobles, and our Commons, bee all hulhed, if they bee all at ſleep, at peace and at reſt, wee may caſt away all feare, and bee paſt all doubt, that the King can not, but holily recreate and ſolace himſelfe, and that his gray haires, whenſoever they ſhall come, ſhall never bee brought to the grave, in ſorrow, but in a good and perfect age, and peace.

Pag. 79. But happily it may be replyed, that ſome of our Nobles, and moſt of our "Commons, be ſo backwardly affected of the truth of Religion, as that rather they would turne head upon the Goſpell, than brooke an alteration of Archiepiſcopall, Epiſcopall, and Archidiaconall Church government. Indeed if a reformation of the ſtate of the Clergie were attempted by any other meanes, than by publike tractation and conſent of Parliament, I could not but leane unto this opinion, that the attempting thereof might bring an overthrow to the attempters. Becauſe the ſame attempt, ſhould be diſhonourable to the name of God, as being contrary to the forme of doctrine received. But ſince things amiſſe are required to be redreſſed by the King and Parliament alone, this objection is altogether vaine and frivolous, and is already ſufficiently convinced, by that peaceable agreement betweene Nobles and Commons, before remembred. But let us wade a little deeper, and ſearch a little more narrowly into every veine, creeke, and corner of this ſuppoſition. And let us ſee, by what manner of perſons this pretenſed overthrow of the Goſpell might bee wrought.

Pag. 79.

No feare that prophane men will overthrow the Goſpell. All carnall, ſenſuall, and earthly men, either whoſe belly is their god, or whoſe God is this world, all ſuch men (I ſay) as in every age, be of Domingoes religion, namely, juſt and jump, of that religion, which the King and State profeſſe, they are ſo farre from attempting ought, to overthrow the Goſpell, as under the ſhadow of the name thereof, they will evermore croud, and cover their carnalitie and prophanneſſe. For they being evermore of every religion, and ſo indeed of no religion, and paſſing not whether our Saviour Chriſt, or Beliall be their God, ſing as the Poet ſingeth; *Ais? Aio: Negas? Nego:*

becke:

beck and bow, cap and knee, to whatſoever the State and Law commands. If the King be a Goſpeller, the Goſpel, the Goſpel, and naught elſe, but the Goſpel ſhall be found to roule in their mouthes. But let the Crowne once turne, by and by, they have turned their Coates, and as weather-cocks, with every puffe of winde, are huffed about. Whatſoever order or manner of government bee planted or diſplanted in the Church, the ſame ſhall bee no coroſive to them. It ſhall never sticke in theſe mens ſtomacks, neither will they lay it to their heartes. The King and the Counſell is wiſe enough, and know what they have to doe well enough. They will not bee more forward, nor wiſer than the Prince, they will not checke and controll the whole Realme. They cannot brooke theſe buſie bodies, and medlers in matters above their reach. They will bee none of theſe new fangled and preciſe fooles; they will not be backward, and come behinde the law, as the Papiſts doe; neither will they be too forward, and runne before the law, as the Puritans doe. But they will behave themſelves in all things, and at all ſeaſons, as diſcreet and politike Proteſtants ought to doe, conforming and ſubmitting themſelves alwayes to all order and authoritie of the Queenes booke, and lawes ſetled. Yea and though they be not booke learned, nor any pen Clerks, yet they believe well. And therefore they will goe to the Church, and ſay a few prayers, yea, and they will receive the Sacrament at Eaſter, as devoutly as the beſt preciſian of them all. All theſe Atheiſts and godleſſe men, being neither hot nor cold, neither fiſh nor fleſh, nor good red herring, plant what plants you will, and ſowe what ſeeds you liſt, yea make what ditch, hedge, pale, wall, or fence you pleaſe, they ſet cocke upon hoope, and paſſe not a button for it; every ſeaſon, be it wet, or be it dry; every kind of land, be it clay, or be it ſand; every furrow, be it broad, or be it narrow, be it deepe or be it ſhallow, pleaſeth theſe medley coates alike. They are like unto *Iacobs* Ewes, which having ſtraked and party coloured rods laid before them in the gutters, at a ramming time, brought forth none other but party coloured Lambes. And therefore they will never ſtir hand nor foot, nor once ſtep over a ſtraw to worke any leaſt annoyance to the Goſpell. It is good ſleeping alwayes, for theſe men in a whole skinne: And not much unlike to theſe party coloured ſleepers, are the admonitorie proteſtants. For they, as the dutie of faithfull ſubjects doe bind them, living in a ſtate of the Church reformed, and having libertie in externall government, and other outward orders to chooſe ſuch as they thinke, in wiſedome and godlineſſe, to be moſt convenient for the ſtate of their countrey, and diſpoſition of the people, and having the conſent of their godly Magiſtrates, to,

Admonitory proteſtants by their owne doctrine, ought not to binde the Church, to a perpetuall gove ament of prelacie.

that outward forme of juriſdiction, and deciding of Eccleſiaſticall cauſes, theſe kinde of proteſtants, (I ſay) alwayes blowing out the trumpet of obedience, and crying an alarum of loyaltie to every ordinance of man, and gravely, wiſely, and ſtoutly demeaning themſelves againſt all the giddie heads, and fanaticall ſchiſmatikes, and wrangling ſpirits of our age, dare not (I trow) ſlip the collar nor caſt off the yoke, dare not puſh with the horne, nor wince with the heele againſt the Goſpell; If ſo bee by the authoritie of our Chriſtian King, with the conſent of his Parliament; the platforme of govern- (as he ſaith) deviſed by ſome of our neighbour Churches, but (as we and they themſelves confeſſe) practiſed by the Apoſtles and Primitive Church, might bee received and eſtabliſhed, to be the beſt and fitteſt order of governement, for the Church of England, as well as it hath been a long time, and yet is of Scotland, and of moſt of all other Chriſtian Churches. For if it be too great a bridle of Chriſtian libertie (as they ſay) in things externall, to caſt upon the Church of Chriſt, a perpetuall commandement; and if the Church have free libertie to make choiſe of what government ſoever, ſhe thinketh convenient, then is ſhe neither reſtrained at her pleaſure, to forſake that which by long experience ſhe hath found to be inconvenient, neither is ſhe tyed ſtill to retaine Archiepiſcopall, Epiſcopall, and Archidiaconall governement, though for a long ſeaſon the ſame have beene uſed. For that indeed might well and juſtly be ſaid, be too too great a bridle of Chriſtian libertie, when by neceſſitie there is caſt upon the Church, ſuch a perpetuall regiment of prelacy, as may not be removed. Wherefore if our continued Prelaticall diſcipline, whereby the liberty of the Church is taken away, by publike authority of the King and States might be diſcontinued, and libertie granted to the Church, to uſe the Apoſtolicall diſcipline, either our Admonitorie Proteſtants muſt yeeld, ſtoop, and obey, or els be found to be a wayward, a contentious and a trompe generation.

And if theſe two former kinds of our people (which the land being divided into five parts make three at the leaſt) ſhall every way bee ſupporters of unitie, and conformitie, to the Goſpell, and no way diſturbers of the peace, liberty and tranquillitie of the Church, what overthrow, or what dammage may the Goſpell ſuſtaine by the other parts? Yea though they ſhould unite, linke and confederate themſelves in one. For are they not weaker in power, poorer in purſe, and of farre leſſe reputation than the former? And yet nevertheleſſe, theſe parts are at ſuch deadly feud one againſt the other, and at ſuch an irreconcileable enmitie betweene themſelves, that the caſe ſtandeth now

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betweene them, as ſometimes it ſtood with *Caſar* and *Pompey*, not whether of them, ſhould raigne, but whether of them ſhould live. And how then can theſe parts thus divided, poſſibly agree together, againſt the other parts, ſo ſurely combined?

Puritane protestants, can never overthrow the Goſpell.

Beſides, the firſt ſort of theſe two ſorts, whom it pleaſeth our Proteſtants, the Admoniſhers, for difference ſake to dubb with the Knights Hood of Preciſians, or precile and puritane Proteſtants. Why? They are the onely and principall ſpoke-ſmen and petitioners for the Apoſtolicall Diſcipline, required to bee planted. Nay theſe men, out of the holy Scriptures, ſo reſolutely are perſwaded, of the truth of God, conteyned therein, as without which, they know perfectly that the doctrine of the Goſpell can never powerfully floriſh, or be entertained with ſo high a Majeſtie in the hearts of men, as it ought to be.

The Goſpel hath overthrown the papiſt, therfore hee can never overthrow the Goſpel.

And as for the other ſort, (the Papiſts I meane) alas that poore ratt, what overthrow can be worke to the Goſpell, whoſe bane the Goſpell hath wrought ſo long ſince? Alas this faint ghoſt is ſo farre ſpent; his diſeaſe growne ſo deſperate, and his ſickneſſe, now at ſuch an hay-now-hay, as all the phiſicke of all the Phiſitions in the world, can not recover his health, or once take away his head-ach. This ſilly ſnake, then having hiſſed out all his ſting, ſpit out all his venome, and ungorged himſelfe of all his poyſon, how can his skin, or how ſhould his taile anoy the Goſpell? If therefore it might pleaſe the Admoniſhers, upon a revew of our State, our countrey, and our people, to caſt ſuch men, as be open enemies to the Goſpell, into ſquadrons, cauſing them to march ranck by ranck, and troop by troop and delivering unto the King, a muſter roule, of all the names, qualities and conditions of the principall popiſh recuſants within the Realme (for none but ſuch only can be ſuſpected openly to band themſelves againſt the Goſpell) it is not to be doubted, but the leaſt part of all the other foure parts would be as great in number, as theſe. And what then ſhould the King and State feare the multitudes of Recuſants, when one ſtanding on the Kings ſide, ſhould be able to withſtand ten; and ten an hundred; and an hundred a thouſand; and a thouſand ten thouſand papiſts. King *Aſa* crying unto the Lord his God, that it was nothing with him, to help with many or with no power, and reſting upon the Lord, overcame ten hundred thouſand, and three hundred chariots, of the Ethiopians, and Labimes. For the eyes of the Lord behold all the earth, to ſhew himſelfe ſtrong with them, that are of a perfect heart toward him: And when King *Joaſh* remembred not the kindeneſſe which *Iehoiada* the Prieſt had done unto him, but ſlew *Zeckariah* his ſonne, the Lord delivered the King, and a very great Armie

2 Chron. 14.

2 Chron. 14.

into the hands of a ſmall company of the hoſt of the King of *Aram*, who gave ſentence againſt the King, ſlew all the Princes of *Iudah* from among the people, and caried the ſpoyle of them unto *Damaſcus*. And thus much concerning the Admonitors propoſition, *viz.* Whatſoever will draw with it many and great alterations of the ſtate of Government, and of the lawes, the ſame may bring rather the overthrow of the Goſpell, than the end that is deſired; All which ſpeech of his I affirme to bee but a vaine and trifling riddle, as the whole ſtrength whereof reſteth only upon a *may bee*. Whereunto if I ſhould onely have ſpoken thus, and no more, *viz.* that many and great alterations, *&c.* might rather not bring an overthow of the Goſpell, *&c.* I ſuppoſe, and that upon good ground, that ſuch (may, might not bee) might every way be as forcible, to diſprove the one, as his (may bee) can any way be pregnant to prove the other.

And touching his aſſumption, *viz.* but the planting of the government, practiſed by the Apoſtles and Primitive Church, will draw with it many and great alterations, of the ſtate of government and of the Lawes: If in this place hee underſtood, the ſtate of Church gouernement, and of the Lawes Eccleſiaſticall now in uſe, then is the propoſition true. And yet notwithſtanding wee avow, the Goſpell to bee ſo farre from incurring any overthrow by ſuch an alteration, as thereby it is certaine, that the ſame ſhall more and more flouriſh, and bee perpetually eſtabliſhed: by reaſon that this alteration ſhould be made from that which by long experience, is known to be corrupt, unto that which is knowne by the holy Scriptures, to be pure and ſincere. From a government (I ſay) and Lawes authorized by tradition, and commandements of man alone, to a policie and lawes founded and deſcended, by and from God himſelfe.

The planting of the Apoſtolicall government will draw no alteration of the Laws of the realme with it.

But if the Admoniter, by the aſſumption meant to informe us, that the planting of the Apoſtolicall government will draw with it many and great alterations, of the temporall ſtate of government, and of the temporall lawes, ſtatutes, or cuſtomes of the Kingdome: then as before to his firſt, ſo now alſo to his ſecond, I anſwer negatively: and affirme, that the planting of the ſaid Apoſtolicall government, will not draw with it any the leaſt alteration, of any part, of that temporall ſtate of government, nor almoſt of any one common ſtatute, or cuſtomary law of the Land, which may not rather be altered, than retained. For this platforme of government, we are able by the helpe of God, to defend the ſame generally, and for the moſt part, to bee moſt agreeable, and correſpondent, to the nature, qualitie, diſpoſition, and eſtate of our Countrey, People, Common weale, and Lawes, as in our particular anſwers,

ſwers, to his particular reaſons ſhall more at large appeare. In all new, and extraordinary alterations, it is not only requiſite to abolish all bad opinions out of the mindes of thoſe that know not the drift of the enterpriſers, but it is alſo neceſſary, that the defence of ſuch alterations, be made forcible againſt the oppoſition of all gainesayers: we will deſcend to the particulars, and joyne iſſue with the Admonitor. And upon all allegations, exceptions, witneſſes, and records to bee made, ſworne, examined, and produced out of the holy Scriptures, and Lawes of the Land already ſetled, on the behalfe of our cauſe, before our Soveraigne Lord the King, his Nobles, and Commons in Parliament, we ſhall ſubmit our ſelves and our cauſe to the Kings Royall, and moſt Chriſtian judgement. In the meane time, we averre that not only the former clauſe of this admonitory bill, but that all other clauſes following in the ſame bill, for the invaliditie, inſufficiency, indignitie, and nullitie of them, are to bee throwne out and diſmiſſed from the Kings Court, eſpecially for that the particulars opened by the Admonitor, can not ſerve for any reaſonable warning, to induce the common people, to rely themſelves upon his. I am of opinion, to the which we plead at barre as followeth.

ADMONITION.

Firſt (ſaith he) the whole State of the Lawes of the Realme will be altered. For the Canon Law muſt be utterly taken away, with all Offices to the ſame belonging; which to ſupply with other Lawes and functions, without many inconveniences, would bee very hard: the uſe and ſtudie of the civill Law, will bee utterly overthrowne. Page 77

ASSERTION.

When by a common acceptance and uſe of ſpeech, theſe words (*Whole State of the Lawes of the Realme*) are underſtood of the Common and ſtatute lawes of the Realme, that is to ſay of the Kings temporall lawes, and not of Canon or Civill lawes, it cannot follow, that the whole ſtate of the Lawes of the Realme ſhould be altered, though the Canon and Civill Lawes, with all offices to the ſame belonging, ſhould be utterly taken away and be wholly overthrown. For no more could the Admonitor prove, the Canon or Civill Law, at any time heretofore, to have beene any part of the Lawes of this Realme, otherwiſe than only by [a] ſufferance of our Kings, acceptance, long uſe and cu-

Canon and civill Lawes no part of the Laws of the Realme, but only by ſufferance.

[a] 25. H. 8. C. 21. in the preamble.

cuſtome of our people) than can any man prove a parſley-bed, a roſe-mary-twigge, or an ivie-branch, to be any part of the ſcite of the Caſtle of Farnham: And therefore he might aſwell have concluded thus, the whole ſcite of the Caſtle of Farnham will be tranſpoſed: for the Box-trees, the Heythorne Arbours, and the Quick-ſet hedges planted within the Caſtle-garden muſt bee removed and caſt away: which were but a proofe proveleſſe, and a reaſon reaſonleſſe. If then by the abrogation of the Canon or Civill Law, ſcarce any one part of the lawes of this Realme ſhould be changed, what reaſon have we to thinke that the whole ſtate of the lawes of the Realme muſt be altered? Beſides, to conclude the whole, by an argument drawne *ab enumeratione partium*, and yet not to number the tenth part, (of ſuch parts as were to bee numbred) is, I am ſure, neither good logick nor good law. Moreover if all the Canon-law, (I mean all the Papall and forraigne Canon Law, deviſed and ordeined at Rome, or elſewhere without the Realm, and conſequently all the Offices and functions to the ſame belonging) bee already utterly taken away, what hope of reward can Civilians expect from the uſe of ſuch things, as are within the compaſſe of that law? or of what efficacy is this argument, to prove an alteration, of any part of the lawes of this Realme, or that the ſtudie of the Civill Law ſhould be utterly overthrowne? For the whole ſtate of the Lawes, properly called the Lawes of the Realme, hath ſtood and continued many years ſince the ſame Papall and Canon Law was aboliſhed. And as touching the Civilians, for them to ſeeke after preferments, by Offices and functions of the Canon Law, is an embaſement of their honourable profeſſion, eſpecially ſince farre greater rewards might very eaſily bee provided for them if once they would put to their helping hands, for the only eſtabliſhment and practice of the Civill Law, in the principall cauſes now handled by them in the Courts called Eccleſiaſticall.

An imbaſement for civilians to have preferment by offices of the Canon law.

The Canon law be aboliſhed out of the realme and ought not to be uſed.

But how may it be proved, that the Papall and forraign Canon law, is already taken away, and ought not to bee uſed in England? For my part, I heartily wiſh, that ſome learned men in the Common Law, would vouchſafe to ſhew unto the King and Parliament, their cleare knowledge in this point. In the meane ſeaſon, I ſhall not be negligent, to gather and ſet downe, what (in mine underſtanding) the Statute-Law hath determined thereof. By the ſtatute of ſubmiſſion, 25. *Hen.* 8. revived 1 *Eliz.* (as the very words and letter of the petition and ſubmiſſion of the Clergy, of the body of the law, and of the proviſoes doe import) the very true meaning and intent of the King and Parliament, is evident and apparent to be thus as followeth, and

none

none other, *viz.* That ſuch Canons, Conſtitutions, and Ordinances Synodall, or Provinciall, which before that time were deviſed and ordained, or which from thence forth ſhould bee deviſed or ordained by the Clergie of the Realme, being not contrariant or repugnaut, *&c.* ſhould only, and alonely be authoriſed, and to be put in ure, and execution. And conſequently, that all Canons, Conſtitutions, and Ordinances Papall, and made by forraigne power without the Realm, ſhould wholly and utterly be abrogated, adnulled, aboliſhed and made of no value. The words touching the petition, and ſubmiſſion, mentioned in that Statute, in ſubſtance, are theſe: Where the Kings humble and obedient ſubjects the Clergie, *&c.* have ſubmitted themſelves, and promiſed *in verbo Sacerdotii*, that they will never from henceforth preſume to attempt, alledge, claime, or put in ure, any Canons, Conſtitutions, Ordinances, provinciall or other, or enact, promulge, or execute any new Canons *&c.* And where alſo divers Conſtitutions, Ordinances, and Canons Provinciall, or Synodall, which heretofore have beene enacted, and be thought not only to bee much prejudiciall to the Kings prerogative Royall, *&c.* the Clergie hath moſt humbly beſought the Kings Highneſſe, that the ſaid Conſtitutions, and Canons, may be committed to the examination and judgement of his Highneſſe, and of two and thirty perſons of his ſubjects, *&c.* and that ſuch of the ſaid Canons, and Conſtitutions, as ſhall bee thought and determined by the ſaid 32. perſons, or the more part of them, worthy to be abrogated, and adnulled, ſhall be abolite, and of no value: and ſuch other of the ſame Conſtitutions, and Canons, as by the ſaid 32. perſons, *&c.* ſhall be approved to ſtand with the Lawes of God, and conſonant to the Lawes of this Realme, ſhall ſtand in their full ſtrength and power, *&c.*

No Canons provinciall or other to bee put in ure, therefore no papall canons in force.

Canons provinciall, heretofore enacted, being prejudiciall, are to be abrogated.

No Conſtitutions, or Ordinances provinciall or other canons to bee alledged, therefore once they were all aboliſhed.

The King and thirty two perſons have no power to examine papall canons; therfore papall canons intended to bee wholly aboliſhed.

Theſe are the words of the petition and ſubmiſſion, *&c.* the letter of the body of the Statute in effect is this: Be it therefore enacted, *&c.* That they, nor any of them, from henceforth ſhall preſume to attempt, alledge, claime, or put in ure, any Conſtitutions, or Ordinances Provinciall, or Synodall, or any other Canons. And foraſmuch as ſuch Canons, Conſtitutions, *&c.* as heretofore have beene made by the Clergie of this Realme, can not, *&c.* by reaſon of the ſhortneſſe, *&c.* be it therefore enacted, *&c.* that the Kings Highneſſe, *&c.* ſhall have power, *&c.* and that the ſaid 32. perſons, *&c.* ſhall have power and authoritie to view, ſearch, and examine the ſaid canons, conſtitutions, *&c.* Provinciall and Synodal heretofore made, and ſuch of them as the Kings Highnes, *&c* ſhall deeme and adjudg worthy to be continued and kept ſhall be from henceforth kept, *&c.* and the reſidue of the ſaid Canons, conſtitutions, and ordinances provincial, which the K. Highnes, *&c.* ſhall

never be put in execution within this Realme. Theſe are the words of the body of the Law: the words of the Proviſo are theſe: Provided that ſuch Canons, Conſtitutions, Ordinances, and Synodals Provinciall, being already made, which be not contrariant, *&c.* ſhall now ſtill be uſed and executed, as they were before the making of this Act, till ſuch time as they be viewed, ſearched, *&c.* by which words of the petition, body of the ſtatute, and proviſo, three things ſeeme principally to be meant and intended. Firſt an utter and abſolute abolition of all Canons, Conſtitutions, Ordinances, and Synodals, before that time made by the Clergie within the Realme, or by any forraigne power within the Realme whatſoever: Secondly a view, ſearch, and examination of all Canons, Conſtitutions and Ordinances Provinciall or Synodall before that time made by the Clergy within the Realm: And laſtly, becauſe the Church ſhould not utterly bee deſtitute of all Canons, *&c.* (Provinciall or Synodall) a reeſtabliſhment, or reauthoriſement of all ſuch of the ſaid Canons Provinciall or Synodall, as were not onerous to the people, contrariant or repugnant to the Lawes, Statutes, or cuſtomes of the Realme, nor prejudiciall to the Kings prerogative Royall, was agreed upon, till the ſaid Provinciall Canons, *&c.* were viewed, ſearched, and examined.

Canons provinciall already made only on authoriſedby the proviſo, therefore no papall Canons in force.

All Papall and forraigne Canon Law then, before that time made without the Realme, being once inhibited, to be attempted, alledged, claymed, or put in ure, and by conſequence adnihilated, aboliſhed and made voide: unleſſe the ſame be againe revived and reeſtabliſhed, remaine fruſtrate and adnulled ſtill, and therefore ought not to be attempted, alleaged, claimed, or put in ure. Beſides, it is plaine, that forraign and Papall Canon Law was never intended to be reauthoriſed, becauſe the ſame Law was never committed to the view, ſearch and examination of the King and 32. perſons. The King therefore and 32 perſons, by vertue of this act, not having any authoritie to view, ſearch and examine any forraign Canon Law, though he and they, had deemed and adjudged any part of the ſame Law, worthy to have beene continued, kept and obeyed, yet nevertheleſſe had not the ſame beene of any force or validitie. For only ſuch Canons, Conſtitutions, and Ordinances Provinciall or Synodall (being not contrariant, onerous or prejudiciall to the King, to the Lawes, or to the people) were reeſtabliſhed, as were committed. Beſides, whereas about twenty yeares paſſed, divers Canons, Conſtitutions and Ordinances, as well Papall as Provinciall, were alleaged by him that collected an Abſtract, againſt an unlearned miniſtery, againſt Diſpenſations for many benefices, againſt excommunication, and againſt Civill juriſdiction in Eccleſiaſticall perſons: the anſwerer,

ſwerer, in the behalfe and maintenance of thoſe abuſes, challenged the author for not having proved his intent by law in force: affirming that the Canons and Lawes by him alleaged, were but pretended neceſſary and diſuſed lawes; that they were not inſpired with the life of lawes; that ſuch were fathered for lawes, as bee not Lawes; and that it remained by him to be diſcuſſed how many of them were to be called in truth, her Majeſties lawes. The reaſon of all which his exceptions, he yeeldeth to be this: namely, that the Author ought to have proved them, not to have beene repugnant to the cuſtomes of the Realme, but to have beene in uſe and practice before the making of the act of ſubmiſſion. For he muſt prove (ſaith the Anſwerer) that they are not repugnant to the cuſtomes of this Realme, and ſhew us how they have beene uſed and executed here, before the making of the ſtatute: yea he can ſay, that they are by law eſtabliſhed among us. Which points ſaith he, becauſe we learne by law, *quod facta non præſumantur*, matters in fact, are not intended to be done, untill they be proved ſo: wee muſt ſtill put him to his proofes, and in the meane time ſay, that he hath gaped wide to ſay nothing to the purpoſe, and that in his whole booke, he hath talked but not reaſoned. All which affeveration of this Anſwerer, if the ſame be true, and, if this plea bee a good averment to bar the Author from having proved a learned miniſterie to be commanded by the law; diſpenſations for many benefices to be unlawfull, excommunication by one alone to be forbidden; and civill government to bee unlawfull in Eccleſiaſticall perſons, then much more forcibly may this argument be retorted, upon all ſuch as claime, alleage and put in ure any portion of the forraigne Canon Law. For ſithence it hath never yet beene proved, that the forraign Canon Law, uſed and executed at this day, was accuſtomed and uſed 25 *H.* 8. then becauſe wee learne by law (as he ſaith) *quod facta non præſumantur*, wee muſt ſtill put him, and his clients to their proofe, and in the meane while tell them, that their Advocate hath twiſted for them but a bad thread, when by his reaſon he hath untwined all their lawes, and broken a ſunder the bands of their government. Moreover becauſe it is not yet proved, that the forraigne and Papall Canon Law is not contrariant nor repugnant to the Lawes, ſtatutes or cuſtomes of the Realme, nor derogatorie to the prerogatives of the regall Crown; nay becauſe the contradictorie hereof is affirmed, and this denyed: and becauſe we learn by law (as he ſaith) that matters in fact, are not intended to be done till they be proved ſo, we muſt ſtill put the upholders and executioners of this law, to their proofe, and in the meane while tell them that the forraigne and Papall Law, is but a pretended neceſſary and diſuſed law,

Tit. pag. 1. & 2. The anſwerer unto the Abſtract, proveth by his reaſons the Papall Canon law now uſed to bee aboliſhed.

that it is not inſpired with the life of Law, and that it is fathered by them to be ſuch a Law, as is an headleſſe, a fetherleſſe and a nockleſſe arrow which is not fit to be drawne, or ſhot againſt any ſubject of the King. And from this voidance, abolition and nullitie of forraigne and papall Canon Law (becauſe *ſublato principali, tolluntur acceſſoria*) it followeth that all offices and functions of papall Archbiſhops, papall Biſhops, papall Suffraganes, papall Archdeacons, papall Deanes and Chapters, papall Prieſts, papall Deacons, papall Subdeacons, papall Chancellors, papall Vicars generall, papall Commiſſaries, and papall Officials, meerely depending upon the authoritie, and drawne from the rules and grounds of that Law, are likewiſe adnihilated, and of no value. Howbeit for ſo much as by the opinion of ſome learned Civilians, there ſeemeth unto them, a neceſſary continuance of the ſame forraigne and papall Law, by reaſon that Archbiſhops, and Biſhops doe now lawfully (as they ſay) uſe ordinarie Archiepiſcopall and Epiſcopall juriſdiction, which they could not (as they thinke) doe, if the ſame common law were utterly aboliſhed: and for ſo much alſo, as ſome learned in the Canon lawes, do maintaine, that ſince the ſtatute of 1 *Eliz. c.* 1, the Archbiſhop and Biſhop cannot lawfully claim any ordinarie ſpirituall juriſdiction at all, but that the ſpirituall juriſdiction, to be exerciſed by them, ought to bee delegated unto them from the King, by a Commiſſion under the great Seale: Foraſmuch (I ſay) as there are theſe differences of opinions, it ſeemeth expedient to be conſidered, by what law, and by what authoritie, Archbiſhops and Biſhops exerciſe Archiepiſcopall and Epiſcopall power in the Church: And to the end this queſtion may fully bee knowne, and no ſcruple nor ambiguitie be left, what power ſpirituall may be intended to be exerciſed by them: We diſtinguiſh ſpirituall power, into a power properly called ſpirituall; and into a power improperly or abuſively called ſpirituall, Ther power properly called ſpirituall, is that ſpirituall power, which conſiſteth, and is converſant in preaching the Word; adminiſtring the Sacraments; ordaining and depoſing Miniſters, excommunicating or abſolving; and if there bee any other ſpirituall power of the like property and nature. Now that this power properly called ſpirituall, could have beene drawne from the perſon of our late Soveraigne Lady the Queene unto Archbiſhops and Biſhops, we deny. For the Queenes Royall perſon, being never capable of any part of this ſpirituall power, how could the ſame bee derived from her perſon unto them? *Nemo poteſt plus juris in alium transferre, quam ipſe habet.* Archiepiſcopall and Epiſcopall power therefore, exerciſed in, and about theſe myſteries of our holy Religion, ordinarily and neceſſarily

By the opinion of the Civilians, the papall Canon law ſeemeth to be in force.

Apology of certain proceedings in Courts Eccleſiaſtical.

Power properly, and improperly called ſpirituall. Queens Injunct. and execut. of juſtice.

Power properly called ſpirituall, was never in the Queenes perſon.

ceſſarily muſt belong unto the Archbiſhop and Biſhop by the canon of the holy Scriptures; otherwiſe they have no power (properly called ſpirituall) touching theſe things at all. The power which improperly is called ſpirituall, is ſuch a power, as reſpecteth not the exerciſe of any paſtorall or miniſteriall Church, to the internall begetting of faith, or reforming of manners in the ſoule of man; but is ſuch a power, as wherby publike peace, equitie, and juſtice is preſerved, and maintained in externall things, peculiarly appropried, and appertaining unto the perſons, or affaires of the Church; which power indeed is properly a temporall or civill power, and is to bee exerciſed onely by the authoritie of Temporall and Civill Magiſtrates. Now then to returne to the ſtate of the point in Queſtion touching this later power, improperly called ſpirituall, by what law, or by what authoritie the Archbiſhops and Biſhops doe exerciſe this kinde of power in the Church: I anſwer that they cannot have the ſame, from any forraigne Canon Law, becauſe the ſame Law, with all the powers and dependences thereof is adnulled: And therefore that this their power, muſt and ought to be derived unto them from Bb. where, From whence then is their power derived? Hereunto we anſwer, that (before the making of that act) ſpirituall juriſdiction did appertaine unto Biſhops, and that Biſhops were ordinaries, aſwell by cuſtome of the Realme, canons, conſtitutions, and ordinances provincial and ſynodall, as by forraigne canon law. And that therefore theſe canons, conſtitutions and ordinances provinciall or ſynodall, according to the true intent of that act, could not ſtill have been uſed and executed as they were before, if the Biſhops had not ſtill remained ordinaries. Moreover it is cleare by two ſtatutes, that the Archbiſhops and Biſhops ought to be obeyed in all manner of things, according to the name, title, degree, and dignitie, that they ſhall be choſen, or preſented unto, and that they may doe and execute, miniſter, uſe, and exerciſe all and every thing and things, touching or pertaining to the office or order of an Archbiſhop or Biſhop, with all enſignes, tokens and ceremonies thereunto lawfully belonging, as any Archbiſhop or Biſhop might at any time heretofore do, without offending of the prerogative royall of the Crown, and the laws and cuſtomes of this Realm. Let it be then that by cuſtome, canons provinciall and ſtatute law, Biſhops be and do remaine ordinaries; yet aſwell upon thoſe words of the ſtatute 25. *H* 8. without offending of the prerogative Royall, as upon the ſtatute of 1. *Eliz. cap.* 1 there remaineth a ſcruple and ambiguitie, whether it be not hurtfull, or derogatorie unto the Kings Prerogative Royall, that Ordinaries ſhould uſe and exerciſe their ordinarie power (im-

Power improperly called ſpirituall, is indeed but a temporall power.

Biſhops remaine ordinaries by cuſtome, provinciall Canons, & ſtatute law, though papall Canon law be aboliſhed. 25. h. 8. c. 20. 25. h. 8. c. 16.

(improperly called ſpirituall) without a commiſſion under the great Seale, or that ſuch their power ſhould be as immoderate, and exceſſive now, as in times paſt it was by the Papall Canon law? Concerning the firſt, by the Statute of 1 *Eliz. c.* 1. and by the Statute of 8 *Eliz. c.* 1. the Queene was recognized to be in effect the Ordinarie of Ordinaries, that is the chief ſupreme and ſoveraign Ordinary over all perſons, in all cauſes, aſwell Eccleſiaſticall as Temporall. Where it ſeemeth to follow, that all the branches, and ſtreams, aſwell of that power which improperly is called ſpiritual, as of that power which properly is called temporall, ſhould have beene derived originally unto the Biſhop from her Highneſſe perſon, as from the only head and fountain of all the ſame ſpirituall power within her Kingdomes, in ſuch manner and form, and by ſuch commiſſion under the great Seal, as her *H.* temporall Officers, Juſticers and Judges, had their authorities committed unto them. And to this opinion Maſter D. *Bilſon* ſeemeth to accord. For all power (ſaith he) is not only committed to the ſword, which God hath authoriſed, but is wholly cloſed in the ſword. Againſt the head, that it ſhall not be head, to rule and guide the feet, can be no preſcription; by reaſon Gods Ordinance, for the head to governe the body, is a perpetuall and eternall law: and the uſurpation of the members againſt it, is no preſcription but a confuſion, and the ſubverſion of that order, which the God of heaven hath immutably decreed and ſetled. Beſides there reſteth (ſaith the Remonſtrance) unto the Biſhops of this Realme, none other but ſubordinate, and delegate authoritie: and that the matter and heads wherein this juriſdiction is occupied, are by, and from the Chriſtian Magiſtrates authoritie: In whom, as ſupreme Governour, all juriſdiction, within her Dominions, aſwell Eccleſiaſticall as Civill, by Gods and mans law is inveſted, and their authoritie Eccleſiaſticall is but ſubordinate under God and the Prince, derived for the moſt part from the Prince. From which two Statutes and judgements of the governours of the Church contained in theſe two bookes (for theſe two books were ſeen and allowed by the Governours of the Church) I leave it to be conſidered, if the Biſhop did exerciſe the ſame improper and abuſive ſpirituall power and juriſdiction Eccleſiaſticall only and alonely, in their owne names, ſtiles and dignities, and under their own ſeales of office, and that alſo by authoritie of forraign and Papall laws; if (I ſay) the Biſhop did theſe things, after this and this manner, I leave it then to be conſidered, whether their exerciſe of ſuch power were derogatory and prejudiciall in a very high degree, to the prerogatives of the Royall Crown or not. For my part becauſe I finde by the forraign Canon Law, that Papall Biſhops bee the Popes ſonnes, and are priviledged

The Queen was ſupreme ordinary of ordination.

Pag. 348.

Pag. 114. & 130.

1 Eliz. c. 1 & 8 Eliz. c. 1.

to

to carry the print and image of the Pope their father, namely, that they have *plenitudinem poteſtatis* within their Dioceſſes, as the Pope pretendeth to have power over the whole world: For *quilibet ordinarius* ſaith the ſame law in *ſua Diœceſi eſt major quolibet principe*, and becauſe alſo (not withſtanding whatſoever the Bb. have written, that they were the Queenes Bb and had their authoritie derived unto them from the Queene) they did in her life time, put the ſame Papall Law in execution, and by the ſame law did take upon them, *plenitudinem poteſtatis*, within their Dioceſſes: I for my part (I ſay) can not as yet otherwiſe conceive, but that exceedingly they did intrude themſelves into the Royall preeminences, priviledges, and prerogatives of the Queene. For by what other authoritie, than by a certaine plenarie power, did they in their owne names, for the government of their ſeverall Churches within their ſeverall Dioceſſes, from time to time, make, promulge, and by vertue of mens corporall oathes put in execution, what new Canons, Injunctions, and Articles ſoever ſeemed good unto them, without any licence or confirmation from the Queene, firſt had and obtained thereunto? By which pretenſed plenarie power, it ſeemeth that the ſtatute made to bring the Clergie in ſubmiſſion to the King, was covertly deluded; and our late Soveraigne Lady the Queene, cunningly bereaved of that regall authoritie, over every particular Dioceſan, or Ordinarie, which not withſtanding, by the Parliament was given unto her Highneſſe, over the whole body and ſtate of the Clergie. For if once there bee no neceſſitie of the Kings licence, aſſent, or confirmation to ſuch Articles, Canons, or Injunctions, as every Ordinarie ſhall make within his juriſdiction, then muſt it be intended, that the Statute of ſubmiſſion hath covertly permitted, ſeverall members, ſeverally to doe, and to execute thoſe things which apparently, and in expreſſe terms, the whole convocation was commanded, and with the ſame, in *verbo ſacerdotii*, had promiſed, not to doe: then the which what can ſeeme more unreaſonable and abſurd? For then might all the Ordinaries joyne hand in hand, and agree all together in one, never in any of their convocations aſſembled, by the Kings Writ, to deviſe, make, or promulge any Canons Eccleſiaſticall at all. And what aſſent, licence, or confirmation from the King, could then be needfull? Or how then was the Clergie, brought in ſubmiſſion to the King? For then, ſhould it not be with them, as it is in the proverbe; A threefold cord is not eaſily broken: but then ſhould it be with them, contrary to the proverbe; for they being all faſt knit and bound together unto the Kings authoritie, by a cord of twenty foure threads, might eaſily be broken; but being ſevered

Ex. de Major. & obe.

M. Bilſon Pag. 330.

The Bb. by a plenary power deviſed and promulged new Canons, without the Queenes aſſent.

24 Biſhops, can make no law without leave, And yet every B. doth make many lawes

red and pluckt aſſunder, into twenty foure parts, one from the other, the King with all his regall power, might not be able ſo much as to break one of the leaſt threads, wherewithall one of their cords was twiſted. If the Lord Major, the Sheriffs, Aldermen, and whole communaltie of the Citie of London, ſhould promiſe unto the King upon their fidelities, not to ſet any price upon Wines or other victuals, by their common Councell, within the ſaid Citie, unleſſe the King under his privie ſignet, ſhould firſt authorize them ſo to doe, were it not a meere colluſion of the Kings meaning, if every particular Alderman, ſhould ſet prices of ſuch things in every particular ward? But againſt the collection made from the Statutes, 1 & 8 *Eliz.* and the judgement of the divines aforeſaid, the author of an Apologie, to his underſtanding, reckoneth the ſame collection to be a very ſimple collection, and againſt the ſame, he anſwereth and reaſoneth in effect thus.

A collection made againſt the former reaſon by an Apologie for ſundry proceed. by juriſdi. Ec. pag. 5.

If (as is collected) all power ſpirituall, by a commiſſion under the great Seale muſt bee derived from the Queene, to warrant the execution of it unto him, that is, to exerciſe it; then muſt the like warrant bee procured, for every temporall office, to execute his temporall office.

But every temporall officer, muſt not procure like warrant to execute his temporall office.

Therefore a Commiſſion under the great Seale, muſt not be procured to warrant the execution, of the ſaid ſpirituall power.

The conſequence of his major propoſition being falſe, he laboureth notwithſtanding to make the ſame good, and in effect for the ſame argueth thus:

All temporall authoritie, as abſolutely and as really, is reveſted in the perſon of the Queene, as is the ſaid ſpirituall authoritie.

Therefore as all ſpirituall Officers, for the execution of the ſaid ſpirituall power; muſt have their authoritie, derived unto them from the perſon of the Queene under the great Seale, ſo likewiſe muſt all temporall officers, for the execution of their temporall offices, have the like commiſſion.

The conſequence of which enthimeme followeth not, though the antecedent be true For although as well all temporall, as all the ſaid ſpirituall authoritie improperly ſo called, was really and abſolutely in the perſon of the Queene; yet hereupon it followeth not, that by one and the ſelfe ſame meanes alone, and namely, by a commiſſion under the great Seale, all temporall and the ſaid ſpirituall power, in every part and branch thereof, ſhould be drawne alike, from the Queenes perſon. For there be divers and ſundry meanes, to derive temporall authority, wheras there ſeemeth to be but one only means to derive the ſaid ſpirituall

tuall authoritie, and then marke the ſubſtance of the authors argument.

Some temporall Officers, as Stewards of Leets, Conſtables, and ſundry other Officers, muſt not draw their temporall authoritie from the Queene by a Commiſſion under the great Seale.

Therefore no ſpirituall Officers, as Archbiſhops, Biſhops, Archdeacons, and ſede vacante, Deanes and Chapters muſt draw any of their ſpirituall authoritie from the Queen by a Commiſſion, &c.

Though all temporall officers draw not their power from the King by the great ſeale, yet by one meanes or other withdraw it from the King.

Which argument drawne from a particular affirmative, unto a generall negative, what weakneſſe it hath, every young Logician can diſcerne. And as for Stewards of Leets, though they have no Commiſſion under the great Seale, yet for the execution of their Stewardſhips they have a Commiſſion under the Seale of the Exchequer, Conſtables, Decennary or Tythingmen, and Thirdboroughs, have their authorities derived unto them from the Kings perſon, by the very originall and inſtitution of their offices, Sheriffs of Countries, Coroners, Eſcheators, and Uerderors, have their offices and their authorities warranted unto them, by the Kings writs out of the Chancerie. But it was not the minde of the Law-makers (ſaith the Author) that the Ordinaries, by a commiſſion under the great Seale, ſhould draw their ſaid ſpirituall power from the Queen. What the mindes of the Law-makers were, touching this point, it mattereth little or nothing at all. Neither is it to purpoſe, whether a commiſſion under the great ſeale, be neceſſarily required, or not required by vertue of that ſtatute, 1 *Eliz. c.* 1. to warrant the ſaid ſpirituall power unto Ordinaries. Only it ſufficeth, that the Queen having all power, improperly called ſpiritual, inveſted in her Royall perſon, and being really and actually ſeiſed of all the ſaid ſupreme ſpirituall authoritie, could not have any part of the ſame ſpirituall power drawne from her, but by ſome one lawfull and ordinarie meanes or other. For if this rule be true in every common perſon, *quod meum eſt, ſine mea voluntate à me auferri non poteſt*; how much more doth the ſame rule hold, in the Royall prerogatives, rights, priviledges, dignities, and ſupremities of a King? wherfore to ſay that all ſupreme and ordinarie power (improperly called) ſpirituall, was really and actually inherent in the Royall perſon of the Queen, and to ſay alſo, that ſome of the ſame inferiour, and ordinarie power, not derived from the Queen, was nevertheleſſe in the perſons of inferiour ordinaries, is as much to ſay, that ſome branches of a tree, may receive nourishment from elſewhere than from the root; that ſome members of the bodie, are not guided by the head; and that ſome ſtreames, flow not from their fountaines. And now to conclude this part, againſt the Canon Law, and their Offices and functions thereof, I diſpute thus:

The forraign and papall canon law, with all the acceſſories, dependances offices, and functions thereof, is utterly aboliſhed out of the Realmes: Therefore the ſame law is no part of the lawes of the Realm; and therefore alſo it is evident, that there will not follow any alteration of the Lawes of the Realme, by the taking of it away.

Which Canon Law alſo, with other lawes and functions, how eaſily the ſame without any inconveniences, may bee ſupplied, ſhall (God willing) be preſently made apparant, if firſt we ſhall anſwer to that challenge, which the ſtate of Prelacie may ſeeme to make for the continuance of their Lordly primacie, out of the words of the great Charter. Concerning which challenge, namely, that by the great Charter, Lordly Archiepiſcopall, and Epiſcopall primacie or juriſdiction belonging to the ſtate of Prelacie, is belonging unto them: I demand unto what Church this great Charter was granted? And whether it were not granted unto the Church of God in England? The words of the Charter are theſe: *Conceſſimus Deo, & hac præſenti Charta noſtra confirmavimus, pro nobis & hæredibus noſtris, in perpetuum, quod Eccleſia Anglicana libera ſit, & habeat omnia jura ſua integra, & libertates ſuas illæſas.* We have granted unto God, and by this our preſent writing have confirmed for us, and for our heires for ever, that the Church of England be free, and that ſhe have all her rights, and liberties whole and unhurt. Now by this Charter, if the ſame bee conſtrued aright, there is proviſion made; firſt, that ſuch honour and worſhip be yeelded by the King and his ſubjects, his and their ſucceſſors and poſteritie unto God, as truly, and indeed belongeth unto him: Secondly, that not only ſuch rights and liberties, as the King and his progenitors, but alſo that ſuch as God had endowed the Church of England with ſhould inviolably be preſerved. And in very deed, to ſpeake truly and properly ſuch rights and liberties only, are to be called, the rights and liberties of the Church of England, which God himſelfe hath given by his Law unto his univerſall Church, and not which the Kings of England, by their Charter, have bequeathed to the particular Church of England. When therefore queſtion is made that by the great Charter, the Kings of England are bound to maintaine the rights and liberties of the Church of England, wee are to enquire and ſearch what rights and liberties, God in his holy word, hath granted unto his univerſall Church; and ſo by conſequence unto the Church of England, one part of the Catholike Church. And this queſtionleſſe was the cauſe, that moved the victorious Prince *Henry* the eight, ſo effectually and powerfully to bend himſelfe againſt the Popes ſupremacie, uſurped that time over the Church of England.

Challenge for Lordly primacy, out of the great Charter, anſwered.

Mag. Charta. c. 1.

For

For (ſaith the King) we will with hazard of our life, and loſſe of our Crowne, uphold and defend in our Realmes whatſoever wee ſhall know to be the will of God. The Church of God then in England, not being free, nay having her rights and liberties according to the great Charter, whole and unhurt, but being in bondage and ſervitude to the Sea of Rome, contrary to the Law of God; the King judged it to ſtand highly with his honour, and with his oath (according to the meaſure of knowledge, which then was given unto him) to reforme, redreſſe, and amend the abuſes of the ſame Sea. If then it might pleaſe our gracious Soveraigne Lord King *Iames*, that now is (treading in the Godly ſteps of his renowned great Vncle) to vouchſafe an aboliſhment of all lordly primacie, executed by Archiepiſcopall, and Epiſcopall authoritie, over the Miniſters of Chriſt; His Highneſſe in ſo doing, could no more rightly bee charged with the violation of the great Charter, than might King *Henry* the eight with the baniſhment of the Popes ſupremacie; or than our late Soveraigne Ladie the Queene could be juſtly burthened with the breach of her oath, by the eſtabliſhment of the Goſpell. Nay if the Kings of England, by reaſon of their oath, had beene ſo ſtraightly tyed to the words of the great Charter, that they might not in any ſort, have diſannulled any ſuppoſed rights, and liberties of the Church then uſed and confirmed by the great Charter, unto the Church that then was ſuppoſed, to be the Church of God in England; then belike King *Henry* the eighth, might be attainted to have gone againſt the great Charter, and againſt his oath, when by the overthrow of Abbies and Monaſteries, he tooke away the rights and liberties of the Abbots and Priors. For by expreſſe words of the great Charter, Abbots and Priors, had as ample and as large a Patent, for their rights and liberties, as our Archbb. and Biſhops can at this day challenge for their primacies. If then the rights and liberties of the one, as being againſt the law of God, be duly and lawfully taken away, notwithſtanding any matter, clauſe or ſentence, contained in the great Charter; the other have but little reaſon by colour of the great Charter, to ſtand upon their pantofles, and to contend for their painted ſheathes. For this is a rule and maxime in all good lawes, that in *omni juramento ſemper excipitur authoritas majoris:* unleſſe then they bee able to juſtifie by the holy Scriptures that ſuch rights and liberties, as they pretend for their ſpirituall primacie over the Miniſters of Chriſt, to be granted unto them by the great Chater, bee in deed and truth likewiſe confirmed unto them by the holy Law of God: I ſuppoſe the Kings Highneſſe, as a ſucceſſor to K. *Henry* the third, and as a moſt juſt inheritour to the Crown of *England*, by the

words of the great Charter, and by his oath (if once the ſame wer taken) to be bound utterly to aboliſh all Lordly primacie, as hitherto upheld and defended, partly by ignorance, and partly by an unreaſonable and evill cuſtome.

Admonition.

The uſe and ſtudie of the Civill Law will be utterly overthrown, for the Civilians in this Realme, live not by the uſe of the Civill law, but by the Offices of the Canon Law, and ſuch things as are within the compaſſe thereof. And if you take thoſe offices, and functions away, and thoſe matters, wherein they deale in the Canon Law, you muſt needs take away the hope of reward, and by that meanes their whole ſtudie.

Assertion.

This collection dependeth upon his former Reaſon, and is borrowed to prove a neceſſarie continuance of Canon Law, and concludeth in effect thus:

The taking away of the reward and maintainance of Civilians, will be the overthrow of the uſe and ſtudie of the civill law:

But the taking away of the Canon Law, the offices and functions thereof, and ſuch things as are within the compaſſe of the ſame, will bee the taking away of the reward and maintainance of Civilians.

Therefore the taking away of the Canon Law, will be the overthrow of the uſe and ſtudie of the Civill Law.

The maintenance of Civilians, dependeth not upon the functions of the Canon law.

But we deny the aſſumption, and affirme that Civilians might have farre better reward and maintenance than now they have, if the offices and functions of the Canon Law, and ſuch things as are contained within the ſame, were ſimply and abſolutely taken away. And further we ſay, if there were none other uſe, nor end of the ſtudie of the Civill Law, than hope of reward, and maintenance by ſome office and function of the Canon Law, that then Civilians ſhould in vaine ſeeke for knowledge in the Civill Law, becauſe without the knowledge thereof, and by the onely knowledge of ſuch things, as are within the Compaſſe of the Canon Law, they might reape that reward and maintainance. Nay ſithence by experience we have known that ſome, who never unclaſped the inſtitutions of *Iuſtinian*, out of the ſame to learne the definition of Civill Juſtice, have beene and yet are authorized, to exerciſe the offices and functions of the Canon Law;

who

how ſhould the ſtudie of the civill law, be furthered by theſe offices and functions, when as without any knowledge of the civill law, theſe offices and functions have beene and yet are daily undertaken, and executed to the full? And what man then (if there were none other reward for Civilians) would ten or twelve yeares together, beat his braine, and trouble his wits, in the ſtudie of the Civill Law, when every ſilly Canoniſt might bee able and learned enough, to ſit in the Biſhops throne, and to be judge in his Conſiſtorie? Beſides, if the Admonitor ſpeake ſooth, *viz.* that Civilians in this Realm, live not by the uſe of the civill Law, to what end then ſhould he feare an overthrow of the ſtudie thereof? For if there be no uſe of it in this Realme, for the maintenance of this life, to what uſe then ſhould men ſtudie the ſame in this Realme? As for the uſe of it among ſtrangers, and forraigne nations without the Realme; the ſame (as I ſuppoſe) is no greater than ſuch as 3. or 4. Civilians may be able well enough, fully to deliver the law, touching all matters of controverſie, that may grow to queſtion during the whole ſpace of a Kings raigne. If no man lived in this Realme, by the trade of brewing Beere, but that all Brewers did live by the trade of Brewing Ale, what ſhould we need to feare the decay of Beere-brewers, or what uſe were there of them? in like ſort, if men live only by the uſe, offices and functions of the Canon Law, and that men live not (as he ſaith) by the uſe of the Civill law within the Realme, what folly were it to ſtudie the one, whereas without the knowledge thereof, he might live by the other? And therefore it ſeemeth that the Admonitor by his owne weapon, as much as in him lay, hath given the whole ſtudie of the Civill Law, a moſt deſperate and deadly wound. And to the end we may underſtand what reward and maintenance, Civilians by the Offices and functions of the Canon, do receive yearly for their ſervice and attendance, in the Biſhops and Archdeacons their Courts; Wee will examine what fees Doctors of the civill law, being Chancellors, Commiſſaries or Officials, have uſually, and ordinarily allowed unto them, by their Lords and Maſters. Fees for probat of Teſtaments, granting of adminiſtrations, with their appendances, of late years in ſome places (whether in all or how many I know not) have beene demiſed unto farm for an annuall rent; out of which, either a ſmall or no portion at all, have beene allowed unto the Chancellor or Officiall, for his ſervice in this behalf. Whereupon (as I conjecture) it hath fallen out, rather than that thoſe Officers would worke, keepe Courts, and travaile for little or nought, ther have been exacted greater fees, for the diſpatch of theſe things, than by law ought to have bin paid. Perquiſits of courts

Fees for probat of teſtaments let to farm.

ariſing upon ſuites, commenced betweene partie and partie, it muſt be a plentifull harveſt, and there muſt be *multi amici curiæ*, in a Biſhops conſiſtorie, if ordinarily (*communibus annis*) they amount in the whole to twenty pounds by the yeare: and yet theſe perquiſits, belong not wholly to the Chancellor, but are to be devided between him and the Regiſter. And touching fees for excommunication, and abſolution, fees for inſtitution and induction, licences to preach, licences for Curats and Readers. For teſtimoniall of ſubſcription, or licences to marry without banes; fees for commutation of penance, and fees for relaxation of ſequeſtrations: touching theſe manner of Fees, if the ſame be fees no way warrantable, how are not then ſuch fees every way diſhonourable for a Doctor of the Civill law, to take, either of Miniſters or people? There muſt be therefore ſome other hope of better reward and maintenance, to incite and incourage ſchollars, to the ſtudie of the civill law, than are theſe beggerly and unlawfull fees, depending upon the functions, and exacted by the Officers of the Canon law: or els the uſe of the civill law (as the Admonitor ſaith) muſt neceſſarily in ſhort time be overthrown. For if Fees for probat of Teſtaments, and granting of adminiſtrations with their appendices, ſhall ſtill be let to farme; and if alſo, many unlawfull fees were quite inhibited, there would remaine (I trow) but a very poore pittance for Civilians out of the functions of the Canon law, to maintain their Doctoralities withall. But what better reward can there bee for Civilians, than hath already beene mentioned? If the Admonitor had not willingly put a hood wincke before his eyes, he might have ſeene that the Civilians live not wholly and altogether by the practice of the Canon Law; but partly alſo, and that moſt honourably by the uſe of the Civill law. If a Doctor of the Civill Law, be judge or Advocate, in the Court of Admiraltie; if he be Judge or Advocate in the Prerogative Court, ſo farre as the ſame Court handleth only matters of Legacies, Teſtaments and Codicills, to what uſe can the Canon Law ſerve him, or what advantage can the ſame Law bring him in? Beſide to what uſe ſerveth the Canon Law unto a Doctor of the Civill Law, if he ſhall finde favour in the Kings ſight, and if it pleaſe the King to make him one of the Maſters of his Requeſts, or one of the twelve Maſters of his high Court of Chancery, or to be the Maſter of his Rolls; or to be his Highneſſe Embaſſador unto forraigne Nations, or to be one of his Highnes moſt honourable privie Councel, or to be one of his principall Secretaries. It followeth not therefore (as the Admonitor pretendeth) that either the Civilians in this Realme, live not by the uſe of the civill law but by the offices, and functions of the Canon law, and ſuch things as

Fees due for the execution of the functions of the canon law, diſhonourable for a Doctor of the civill Law.

Civilians in England live not only by the functions of Canon law.

are

are within the compaſſe thereof; or that the hope of reward, and by that means, the whole ſtudie of the Civill Law muſt be taken away, if once the Canon Law ſhould be aboliſhed. Neither would it bee any hard matter for the King (if the Civilians might find grace in his ſight) to appoint Courts, Offices, and all manner of proceſſe and proceedings in judgement for Doctors of the Civill Law, to heare and determine in the Kings name, all cauſes being now within the compaſſe of any Civill or Eccleſiaſticall Law within this Realme. And although a little candle can give but a little light, and a ſmall Spring can ſend forth but a ſmall ſtreame, yet becauſe great fires are kindled ſometimes by little ſparkles, and ſmall ſtreames meeting together, may in time grow into great riuers; I ſhall deſire the great Civilians with their floods and lamps of learning, to help forward ſuch a law, as whereby the ſtudy of the Civill Law, may be upholden, the reward and maintenance of Civilians, without any function from the Canon Law, may be enlarged, many controverſies, and diſorders in the Church, may be pacified, and the Kings Prerogative Royall bee duely advanced. Which things if it might pleaſe them rightly to conſider, then let them humbly and ſeriouſly beſeech our Soveraigne Lord the King, and States in Parliament, to give their conſents to ſuch a Law, as the project enſuing, may warrant them, the ſame not to bee dangerous to the overthrow of their civill ſtudies.

The Project of an Act for the explanation and amplyfying of one branch of a Statute, made in the firſt year of the raign of Queen ELIZABETH, entituled, An Act reſtoring to the Crowne, the ancient juriſdiction over the ſtate Eccleſiaſticall, and alſo for the declaring, and reviving of a Statute made in the firſt year of King EDWARD the ſixth, entiled, An Act, what ſeales and ſtiles Biſhops and other ſpirituall perſons exerciſing juriſdiction Eccleſiaſticall, ſhall uſe.

FOraſmuch as by one branch of an Act made in the firſt yeare of our late Soveraign Ladie of bleſſed memorie, Queen *Elizabeth* (entituled an Act, reſtoring to the Crowne the ancient juriſdiction over the ſtate Eccleſiaſticall and Spirituall, and aboliſhing all forraign power repugnant to the ſame) it was eſtabliſhed and enacted, That ſuch juriſdictions, priviledges, ſuperiorities, and preeminences Spirituall and Eccleſiaſticall, as by any ſpirituall, or Eccleſiaſticall power, or authority, hath heretofore beene, or may lawfully be exerciſed, or uſed, for the viſitation of the Eccleſiaſticall ſtate and perſons, and for reformation, order and correction of the ſame, and of all manner errors, hereſies, ſchiſmes, abuſes, offences, contempts and enormities, ſhould for ever, by authoritie of that preſent Parliament, be united and annexed, to the imperiall Crown of this Realm, by means whereof, it may now be made a queſtion, whether any Archbiſhops or other Eccleſiaſticall perſons, having ſince that time uſed or exerciſed any ſuch ſpirituall or Eccleſiaſticall juriſdiction in their owne right, or names, might lawfully have done, or hereafter may lawfully do the ſame, without ſpeciall warrant, and authoritie derived immediately from your highneſſe, by and under your Highneſſe letters patents: And whereas alſo by a ſtatute made in the firſt yeare of King *Edward* the ſixth, entituled, an Act what ſeales and ſtile, Biſhops, or other ſpirituall perſons ſhall uſe, it was ordained, that all and ſingular Archbiſhops and Biſhops, and others exerciſing Eccleſiaſticall juriſdiction, ſhould in their

their proceſſe uſe the Kings name and ſtile, and not their owne: and alſo that their Seales ſhould be graved with the Kings arms: And foraſmuch alſo, as it muſt be highly derogatorie to the imperiall Crowne of this your Highneſſe Realme, that any cauſe whatſoever Eccleſiaſticall or temporall, within theſe your Highneſſe Dominions, ſhould bee heard or adjudged, without warrant or commiſſion from your Highneſſe, your heires and ſucceſſors, or not in the name, ſtile, and dignity of your Highneſſe, your heires and ſucceſſors; or that any ſeals ſhould be annexed to any promiſe, but onely your Kingly ſeale and armes: May it therefore pleaſe the King at the humble ſupplication of his Commons, to have it enacted, That the foreſaid branch of the foreſaid Act made in the firſt yeare of Queene *Elizabeth* her raigne, and every part thereof may ſtill remaine, and for ever bee in force.

And to theend, the true intent and meaning of the ſaid ſtatute, made in the firſt year of K. *Edw.* the ſixth, may be declared and revived, that likewiſe by the authoritie aforeſaid, it may be ordained, and enacted, that all and ſingular Eccleſiaſticall Courts, and Conſiſtories, belonging to any Archbiſhops, Biſhops, Suffraganes, College, Deane and Chapter, Prebendarie, or to any Eccleſiaſticall perſon or perſons whatſoever, and which have heretofore beene commonly called, reputed, taken or knowne to be Courts or Conſiſtories, for cauſes of inſtance, or wherein any ſuite, complaint or action, betweene partie and partie, for any matter or cauſe wherein judgement of law civill or Canon, hath beene or is required, ſhall and may for ever hereafter be reputed, taken, and adjudged to be Courts, and judgement ſeates meerely Civill, ſecular and temporall, and not henceforth Eccleſiaſticall or Spirituall; and as of right belonging and appertaining to the Royall Crowne and dignitie of our Soveraigne Lord King *James* that now is, his heires and ſucceſſors for ever. And that all cauſes of inſtance and controverſies, betweene partie and partie, at this day determinable in any of the ſaid Courts, heretofore taken and reputed Eccleſiaſticall, ſhall for ever hereafter bee taken, reputed, and adjudged to be cauſes meerly Civill, ſecular, and temporall, as in truth they ought to bee, and of right are belonging and appertaining to the juriſdiction of the Imperiall crown of this Realme.

And further, that your Highneſſe Leige people, may bee the better kept in awe, by ſome authorized to bee your Highneſſe Officers and Miniſters to execute juſtice in your Highnes name, and under your Highneſſe ſtile and title of King of England, Scotland, France

and Ireland, defender of the Faith, &c. in the said Courts and Consistories, and in the said causes and controversies: Be it therefore enacted by the authorities aforesaid, That all the right, title, and interest, of, in, and to the said Courts and Consistories, and in and to the causes and controversies aforesaid, by any power, jurisdiction, or authoritie heretofore reputed Ecclesiasticall (but by this Act adjudged civill, secular and temporall) shall for ever hereafter, actually and really, be invested and appropried in and to the Royall person of our Soveraigne Lord the King that now is, his heires and successors, Kings and Queenes of this Realme. And that it shall and may be lawfull to, and for our said Soveraigne Lord and King, his heires and successors, in all and every Shire and Shires, Dioceese and Dioceeses, within his Highneese Dominions and Countries, by his and their letters patents under the great Seale of England, from time to time, and at all times to nominate and appoint, one, or moe able and sufficient, Doctor or Doctors learned in the Civill Law, to bee his and their civill, secular, and temporall Officer, and Officers, Minister, and Ministers, of justice in the same civill, secular, and temporall Courts and Consistories, which in and over his, and their royall name, stile, and dignitie, shall, as Judge, and Judges, doe performe, and execute all and every such act, and acts, thing and things whatsoever, in and about the execution of justice and equitie in those Courts, according to the course and order of the civill Law, or the Ecclesiasticall canons, and constitutions of the Realme, as heretofore hath beene used and accustomed to bee done, by, for, or in the name of any Archbishops, Bishops, Colledge, Cathedrall Church, Deane, Archdeacon, Prebendary, or any other Ecclesiasticall person or persons whatsoever: And that all, and every such civill, secular and temporall Officer, and Officers, Minister, and Ministers, Judge, and Judges, in his and their processe shall use one manner of Seal only and none other, having graved decently therin your Kingly armes, with certaine characters for the knowledge of the Dioceese or Shire; And further be it enacted, &c. That it shall and may be lawfull, by the authoritie aforesaid, for our said Soveraigne Lord the King, his heires and successors, from time to time, and at all times, to nominate and appoint, by his and their Highneese Letters Patents, under the great Seale of England, for every Shire and Shires, Dioceese and Dioceeses within his or their highneese Dominions, one or more able and sufficient person, learned in the Civill Law, to be his and their Notarie and Notaries, Register and Registers, by him and themselves, or by his or their lawfull Deputie or Deputies, to doe, performe, and execute

execute all and every ſuch act and acts, thing and things, as heretofore in the Courts and Conſiſtories Eccleſiaſticall aforeſaid, hath beene, and now are incident and appertaining, to the office of any Regiſter or Notarie. And further at the humble ſuit of the Commons, *&c.* it may pleaſe the King, to have it enacted, that all and ſingular matters of Wills and Teſtaments, with all and every their appendices, that all and ſingular matters of Spouſals and Marriages, with their acceſſories, that all and ſingular matters of defamation heretofore determinable in the Eccleſiaſticall Courts (and if there bee any other cauſes of the like meere civill nature) ſhall bee heard, examined, and determined by the ſaid civill and ſecular Officers and Iudges in the ſaid civill and ſecular Courts, according to the due courſe of the civill Law, or ſtatutes of the Realme in that behalfe provided. And that all matters of Tythes, Dilapidations, repayre of Churches, and if there bee any other of like nature, with their acceſſories, and appendices, ſhall be heard, examined, and determined, by the ſaid civill and ſecular Officers and Judges, in the ſaid Civill and Secular Courts, according to the Kings Eccleſiaſticall Lawes, Statutes, and cuſtomes of the Realme, in that behalfe heretofore uſed, or hereafter by the King and Parliament, to be eſtabliſhed.

And at the humble ſuite of the Commons, may it pleaſe the King to have it further enacted, That all manner of fees heretofore lawfull, or hereafter by the King and Parliament to be made lawfull, for or, concerning the probat of Wills; adminiſtration of the goods of the inteſtat; letters of tuition; receiving or making of accompts, inductions to Archbiſhoprickes, Biſhoprickes, Deanries, Parochiall-Churches, or other ſpirituall promotions, and all other fees whatſoever heretofore lawfull, or hereafter to be made lawfull, for any travaile or paine to bee taken in or about the expedition or execution of any of theſe cauſes, ſhall for ever hereafter be fees, and allowances appropriated to the Judges, and principall Regiſters of the ſaid Courts, equally to bee devided betweene them, as heretofore hath beene accuſtomed; and that the ſaid Judges and Miniſters, within their ſeverall charges, ſhall be Collectors of the Kings tenths and ſubſidies, granted and due by the Clergie, taking for their travaile and paine, in and about the ſame collection, ſuch fees as heretofore have beene accuſtomed. Provided alwayes, that none of the ſaid civill and temporall Officers and Miniſters, nor any of them, for any offence, contempt or abuſe, to be committed by any perſon, or perſons, in any wiſe incident to any of the ſaid Courts and Conſiſtories, ſuſpend, excommunicate, or interdict any perſon or perſons, but ſhall and lawfully may by authority

of this preſent Act, proceed againſt every offender, and offenders by ſuch ordinarie proceſſe, out of the ſaid Regiſter or Notaries office, as is uſed upon a *ſub-pœna* out of the high Court of Chancerie, and there upon default, or contempt, to proceed to attachment, proclamation of rebellion, and impriſonment of the partie offending, as in the ſaid high Court of Chancery is uſed. Provided alſo, that all appeales, hereafter to bee made, from all and every Court, and Courts in the Shires and Dioceſſes of the Countrey, ſhall bee made to the higher Courts, as heretofore hath beene accuſtomed, only with an alteration, and addition of the names, ſtiles and dignities of Archbiſhops, Biſhops and other Ordinaries, unto the name, ſtile and dignitie of our Soveraigne Lord the King, his heires and ſucceſſors. And that upon the appeales, ſo to be made, it ſhall and may be lawfull, for the Judges and Miniſters of Juſtice, of and in the ſaid higher Courts, to make out all manner of proceſſe, and proceſſes, and to do and execute all and every act and acts, thing and things, for the furtherance of Juſtice, in the cauſes aforeſaid, as to them ſhalby the law ſeem equal, right, meet, and convenient; any law ſtatute, priviledg, diſpenſation, preſcription, uſe or cuſtom, heretofore to the contrarie in any wiſe notwithſtanding. Provided alſo that all and everie ſuch Judge and Miniſter, that ſhall execute any thing by vertue of this act, ſhall from time to time obey the Kings writ, and writs of prohibition, of attachment upon prohibition and indicavit, and not to proceed contrary to the tenour of ſuch writ or writs, in ſuch and the ſame manner and form, and condition, as they have or ought to have done before the making of this act, any thing in this act to the contrary notwithſtanding. Provided alſo that this act or any thing therein contained, ſhall not extend or be interpreted to give any authoritie to the ſaid Judges and Officers, or any of them, to put in execution any civill or Eccleſiaſticall law, repugnant or contrariant to the lawes, ſtatutes, or cuſtomes of the Realme, or hurtfull to the Kings Prerogative Royall.

And thus it may ſeeme to be but a ſmall labour, a little coſt, and an eaſie matter, for the King, his Nobles and Wiſemen of the Realme, to deviſe formes of judgement, and manner of proceſſe, and proceedings, without any offices or functions of the Canon law, whereby the uſe and ſtudie of the Civill Law, and the reward and maintenance for Civilians, might be furthered and increaſed, and not utterly overthrown and taken away; as the Admonitor uncivily beareth us in hand. As for the alteration of the cenſure of excommunication for contumacy mentioned in this project, we have the conſent of the reverend Biſhops in this admonition, that the ſame may be altered. For the Admonitor

nitor their Prolocutor ſpeaketh on this wiſe, *viz.* As for the excommunication practiſed in our Eccleſiaſticall Courts for contumacie, in not appearing, or not ſatisfying the judgement of the Court, if it had pleaſed the Prince, *&c.* to have altered the ſame at the beginning, and ſet ſome other order of proceſſe in place thereof; I am perſwaded (ſaith he) that the Biſhops and Clergie of the Realme would have beene very well contented therewith. And ſpeaking of a certain manner of civill diſcomoning uſed in the Church of *Tigure*, he further addeth, *viz.* Which, or the like good order deviſed by ſome godly perſons, if it might be by authoritie placed in this Church, *&c.* I think it would be gladly received, to ſhun the offence, that is taken at the other.

Pag. 138. Excommunication for contumacie by the Admonitors judgement, may be taken away without offence, and with the good liking of the Biſhops.

Admonition.

And matters of Tythes, Teſtaments, and Matrimonie, matters alſo of adulterie, ſlander, &c. are in theſe mens judgements, meere temporall, &c. therfore to be dealt in by the temporall Magiſtrate only, which as yet have either none at all, or very few laws touching thoſe things, therefore the common law of the Realme, muſt by that occaſion, receive alſo a very great alteration. For it will be no ſmall matter, to apply theſe things, to the temporall law, and to appoint Courts, Officers and manner of proceſſe and proceedings in judgement for the ſame.

Aſſertion.

Indeed we hold, that all theſe matters wherof mention is here made, and all others of the like nature, are merely civill and temporall, and by the temporall Magiſtrate alone, to be dealt in, and to bee diſcuſſed, if we conſider the adminiſtration of externall and civil juſtice. And this we thinke will be granted of all, and not to be denyed of any unleſſe they be too too popiſhly addicted. In regard whereof we have drawn (as before is mentioned) a project, how Courts and manner of proceſſe and proceedings in judgement, by Doctors of the Civill Law may be appointed by the King, and his high Court of Parliament, without that, that the common Law of the Realme, by the occaſion of any ſuch courts, offices, or manner of proceſſe and proceedings, muſt receive any alteration at all, much leſſe a very great alteration. Howbeit if it ſhould not pleaſe the King, and that the Civilians could not finde favour in his ſight, by courts, offices, and manner of proceſſe and proceedings in judgement before ſpecified, or by the like to have the ſtu-

Matters of tythes and other cauſes of like nature pertain to civill juſtice.

How matters of tyths &c. may be dealt in by the Kings Iudges.

die of the civill Law advanced; yet we thinke it convenient once again to be examined how theſe matters may be dealt in, according to the rules and grounds of the Common Law, before the Kings Judges, and Juſtices of the Kings bench, and Common pleas.

By a Statute of 32. H.8.c.7. it is cleare, that all tyths, oblations, &c. and other Eccleſiaſticall or Spirituall profits, by the lawes and ſtatutes of the Realme, may be made temporall, as being admitted to be, abide and goe to, and in temporall hands, lay-uſes and profits. From the reaſon of which ſtatute it is cleare, that theſe lawes likewiſe, may be reckoned amongſt us for temporall lawes, which by the lawes and ſtatutes of the Realme, may be executed by temporall and lay perſons, and which are converſant about temporal and lay cauſes. If then the execution of the Lawes, touching theſe matters may lawfully remaine, and abide in the hands of Doctors of the Civill Law, being temporall and lay perſons (as alreadie under the Biſhops they doe;) it cannot be denied but that the Kings Judges, and Juſtices, of both benches, may bee as competible Judges, to put in execution the lawes concerning theſe matters, as Doctors of the Civill Law, or other lay men be. But the cauſes are not reputed and called temporall, and lay cauſes amongſt us. What for that? if in their owne nature ſimply conſidered, theſe cauſes be merely lay and temporall cauſes, ſuch cauſes (I meane) as whereof the King a lay, civill and temporall Magiſtracie derived unto him immediately from the holy law of God, may and ought to take cognizance, and thereupon, either in his owne Royall perſon, or by the perſon of any of his inferiour Officers, may give abſolute and peremptorie judgement: If (I ſay) theſe things be ſo, what booteth it, or what wiſedome is it to contend, that theſe cauſes and matters, have bee n, and are ſtill adjudged to be therefore Eccleſiaſticall, and no temporall cauſes, becauſe through an abuſive ſpeech, or through a vaine and evill cuſtome, they have beene ſo held and accompted in times paſt? And what if it hath pleaſed the Kings Progenitors, by ſufferance to tolerate the executions of ſuch Lawes, as concerne theſe things, to bee in the hands and power of Eccleſiaſticall perſons; yet hereupon it followeth not that in very deede and truth, the Magiſtracie of the ſaid Eccleſiaſticall perſons, was an Eccleſiaſticall Magiſtracie, or that they were Eccleſiaſticall Magiſtrates; but their Magiſtracie was, and remained ſtill a temporall magiſtracie, and they were and abode temporall Magiſtrates. For not more can the qualitie of the perſon, alter the nature of the cauſe, than can the qualitie of the cauſe, alter the nature of the perſon. And if it be true, that matters determinable (in times paſt) by a Magiſtracie

cie abuſively called Eccleſiaſticall, be notwithſtanding properly temporall matters, and that the ſame Magiſtracie alſo, be a temporall and no ſpirituall Magiſtracie, what a childiſh and poore conceit is it, to challenge and threp upon the temporall Magiſtrate, that he hath none, or very few temporall lawes, touching thoſe matters, and that therefore the people ſhould not ſolicit an alteration of abuſes in Church government, leſt for want of temporall lawes, the people ſhould bee without Eccleſiaſticall diſcipline? It will be no ſmall matter (ſaith he) to apply theſe things to the temporall law; yea, and ſo ſay I to. But what of that? The queſtion is not how hardly theſe things may be applyed to the temporall law, but how ſmall a matter it were to apply the temporall law unto theſe things. For it is not ſaid in any law, that, *cauſæ ex juribus*, but it is ſaid in all lawes, that *ex cauſibus jura naſcuntur*. And indeed the Phiſition applyeth not the diſeaſe to his Phiſick, but he prepareth his phiſicke for the diſeaſe. The husband-man he meaſureth not his ground by the ſeed, but his ſeed by the ground. The Draper, he meaſureth not his yard by the cloth, but his cloth by the yard. If in like manner the temporall lawes, and the grounds and rules thereof, were applyed to theſe matters of tythes, marriages, &c. whereof he ſpeaketh, what more alteration could there bee of the temporall law by ſuch an application, then there is an alteration of the plummet, by laying it to the ſtone, or than there is an alteration of the rule or yard, by laying them to the timber and cloth? Beſides, he that rightly and after an exact, and equall proportion, can apply one rule or maxime of the temporall law, to many more caſes, than whereupon it hath beene uſually in former times applyed, hee may rather bee reputed an additioner, than an alterer of the Law. But how may the temporall Law be applyed to theſe matters? how? even ſo, and to, as followeth. By the ſtatute of 32. H. 8. c. 7. it is declared, that tythes, oblations, &c. and other Eccleſiaſticall or ſpirituall profits, &c. being lay mens hands to lay uſes, be no more Eccleſiaſticall, but temporall goods, and profits; and that if any perſon were diſeaſed, deforced, wronged, or otherwiſe kept, or put from his lawfull inheritance, eſtate, ſeiſin, &c. of, in, or to the ſame, by any perſon, claiming, or pretending to have intereſt, or title, in, or to the ſame, that then, in all and every ſuch caſe, the perſon ſo diſſeiſed, deforced, or wrongfully kept from his right or poſſeſſion, ſhall and may have his remedie in the Kings tempo al Courts, as the caſe ſhall require, for the recoverie of ſuch inheritance by writ originall, &c. to be deviſed and granted out of the Kings Court of Chancery, in like maner, &c. It is there likewiſe provided, that that Act ſhall not extend, nor be expounded, to give any remedie, cauſe of action.

The temporall law may eaſily be applyed to cauſes now reputed Eccleſiaſticall.

how tythes may bee recovered in the Kings temporall Courts.

action or ſuite, in the Courts temporall, againſt any perſon, which ſhall refuſe to ſet out his tythes, or which ſhall detaine, *&c.* his tythes and offerings. But that in all ſuch caſes, the partie, *&c.* having cauſe to demand, or have the ſame tythes, ſhall have his action for the ſame, in the Eccleſiaſticall Courts, according to the ordinance, in the firſt part of that act mentioned, and none otherwiſe.

Now then ſithence every perſon, whether he be lay or Eccleſiaſticall, having right to demand tythes and offerings, hath the partie from whom thoſe tythes be due, bound and obliged unto him: and ſithence alſo the partie not dividing, yeelding or paying his tythes, doth actually and really detaine the ſame, and thereby doth unjuſtly wrong the partie to whom they be due: contrary to juſtice and the Kings lawes; ſithence (I ſay) theſe things be ſo, what alteration or diſadvantage could befall or enſue to the Common Law, or the Profeſſors thereof; if ſo be it might pleaſe the King, with his Parliament, to have the laſt part of this Act ſo to be explained, extended, and enlarged, as that the ſame might give remedy in the Kings temporall Courts, by writ originall, to be deviſed and granted out of the Chancerie, againſt any perſon detaining his tithes and offerings? the Hoſpitall of S. *Leonards* in *Yorke*, of the Kings foundation and Patronage, endowed of a thrave of Corne, to bee taken yearely, of every plough earing, within the Counties of *Yorke*, *Comberland*, *Weſtmerland* and *Lancaſter*, having no ſufficient or convenable remedie at the Common Law, againſt ſuch as with-held the ſame thraves, it was ordained by the King in Parliament, that the Maſter of the ſaid Hoſpital, and his ſucceſſors, might have action by writ, or plaints of debt, or detaine at their pleaſure, againſt all and every of them that detained the ſame thraves, for to recover the ſame thraves with their dammages. And by the Statute of 32. *H.*8.*c.*4. it is enacted, That the Parſons and Curates of five Pariſh Churches, whereinto the Towne of *Royſon* did extend it ſelf, and every of them, and the ſucceſſors of every of them, ſhall have their remedie, by authoritie of that act, to ſue, demand ask, and recover in the kings Court of Chancerie, the tythes of corn, hay, wooll, lamb, and calfe, ſubtracted or denyed to be paid by any perſon or perſons. Againe, Vicars, Parſons, or improprietaries, do impleade any man, in the Eccleſiaſticall Court, for tythes of wood, being of the age of twenty years or above, for tyth-hay out of a medow, for the which time out of mind and memorie of man, there hath only ſome Meade-ſilver beene paid: or if a debate hang in a ſpirituall Court for the right of tythes, having his originall, from the right of Patronage, and the quantity of the ſame tythes, do paſſe the fourth part of the value of the benefice, a

hoſpital of S. Leonard 1,2.h.6.c,2

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prohibition in all theſe, and ſundry other caſes doth lie, and the matters are to bee tried, and examined in the Kings Courts, according to the courſe of the Common Law, unleſſe upon juſt cauſe there bee granted a conſultation. And if in theſe caſes, in maintenance of the Common Law, the defendants have reliefe in the Kings Courts; I thinke it more meet to leave it to the conſideration rather of common, than to the judgement of Canon Lawyers, to determine what alteration the Common Law could ſuſtaine, in caſe if plaintiffes, as well as ſome defendants might pray the Kings aide, for the recoverie of tythes, eſpecially ſeeing at this day, the manner of paying tythes in England, for the moſt part, is now limited by the common and ſtatute lawes of the Realm, and not by any forraigne canon law. But there is ſome fact happily ſo difficile, ſo ſecret, and ſo miſticall, in theſe cauſes of tythes, as the ſame cannot, without a very great alteration of the Common law, be ſo much as opened before a lay judge, or, of the hidden knowledge whereof, the Kings temporall Judges are not capable. Why then let us ſee of what nature that inextricable fact may be. I have peruſed many libels; made and exhibited, before the Eccleſiaſticall Judges, yea and I have read them over and over, and yet for ground of complaint, did I never perceive any other materiall and principall kinde of fact, examinable in thoſe Courts, but only ſuch as follow.

Object.

Anſwer.

What facts touching the upholding of tythes are examinable in the Eccleſiaſticall courts.

Firſt, that the partie agent, is either Rector, Vicar, Proprietarie, or Poſſeſſor, of ſuch a Pariſh-Church, and of the Rectorie, Vicaridge, farme, poſſeſſion, or dominion of the ſame, and by vertue thereof hath right unto all tythes, oblations, &c. apertaining to the ſame Church, and growing within the ſame pariſh, bounds, limits, or places tythable of the ſame.

Secondly, that his predeceſſors, Rectors, Vicars, &c. time out of mind and memorie of man, have quietly and peaceably, received, and had, all and ſingular tythes, oblations, &c. increaſing, growing, and renewing within the Pariſh, &c, and that they and he have beene, and are in peaceable poſſeſſion, of having, and receiving tythes, oblations, &c.

Thirdly, that the partie defendant, hath had and received in ſuch a yeer, &c. of ſo many ſheepe, feeding and couching within the ſaid Pariſh, &c. ſo many fleeces of wooll; and of ſo many Ewes, ſo many Lambes, &c.

Fourthly, that the defendant hath not ſet out, yeelded or paid, the tyth of the wooll, and lambe; and that every Tyth fleece of the ſaid wool, by common eſtimation, is worth ſo much, and that every tyth Lambe, by common eſtimation, is likewiſe worth ſo much, &c.

Fifthly, that the defendant, is ſubject to the juriſdiction of that Court, whereunto he is ſummoned.

Laſtly, that the defendant doth hetherto deny, or delay to pay his tyths, notwithſtanding he hath beene requeſted thereunto.

The Kings Iuſtices are as able to judge of exceptions againſt tyths as the Eccleſiaſticall Iudges.

Theſe and ſuch like are the chiefe matters of fact, whereupon in the Eccleſiaſticall Courts, proofes by witneſſes, or records reſt to be made for the recoverie of tythes. And who knoweth not, but that theſe facts, upon proofes made, before the Kings Juſtices, may aſwell bee decided by them, as by any of the Reverend Biſhops or venerable Archdeacons, their Chancellors or Officials. If there be any exception alleaged by the defendant, as of compoſition, preſcription, or priviledge, the Kings Juſtices are as able to judge of the validitie, of theſe, as they are now able eo determine cuſtomes *de modo decimandi*, or of the uſe of high wayes, of making and repairing of Bridges, of Commons of paſture, pawnage, eſtovers, or ſuch like. Truth it is that of Legacies and bequeſts of goods, the reverend Biſhops by ſufferance of our Kings and conſent of our people, have accuſtomably uſed, to take cognizance, and to hold plea, in their ſpirituall Courts. Notwithſtanding if the Legacie bee of lands, where lands be diviſible by Teſtament, the judgement thereof hath beene alwayes uſed, and holden by the Kings writ, and never in any Eccleſiaſticall Court. Wherefore it it ſhall pleaſe the King, to enlarge the authoritie of his Courts temporall, by commanding matters of legacies and bequeſts of goods, aſwell as of lands, to be heard, and determined in the ſame, it were not much to be feared, but that the kings Juſtices, the kings learned Counſell, and others learned in the Law of the Realm, without any alteration of the ſame law, would ſpeedily finde meanes, to apply the grounds thereof, aswell to all caſes of Legacies, and bequeſts of goods, as of lands. For if there be no goods diviſible by will, but the ſame are grantable, and confirmable, by deed of gift, could not the kings Juſtices, aſwell judge of the gift, and of the thing given by will, as of the grant, and of the thing granted by deed of gift? or can they not determine of a Legacie of goods, aſwell as of a bequeſt of lands? If it ſhould come in debate before them, whether the Teſtator, at that time of making his will, were of good and perfect memorie, upon proofs and other circumſtances to be opened, and made of the Teſtators memorie by lively teſtimonies, either the Admonitor muſt condemne the kings learned and diſcreet Juſtices to bee *male mentis & inſane memorie*, or els it muſt be confeſſed, that they be as well able to judge of the diſtraction of wits and unſoundneſſe of

Legacies how they may be recovered at the common law.

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memorie, in a perſon deceaſed, as they be to determine the queſtion of Lunacie, madneſſe, or idiocie, in a man living.

If any queſtion ſhould ariſe upon the revocation of a former will, of the ademption of a legacie, or of a legacie given upon condition, or in *diem*, it would be no hard matter, for the learned Judges, upon ſight of the will, and proofes to be made, to define which is the firſt, and which is the laſt wil; whether the legacie remaine, or whether it be revoked, whether it be *legatum per verbum* or *in diem*, whether conditional or without condition: And if it bee conditionall, whether the ſame be poſſible or impoſſible; honeſt, or diſhoneſt; and if it bee in *diem*, whether the day be paſt, or to come. But there lyeth no action at the common law, for a legatorie againſt the executor to recover his legacie. I grant. But a creditor to recover his debt, due by the teſtator upon ſpecialtie, may bring an action at the common law, againſt the executor. And then what is the cauſe, that a creditor way recover his debt, and that a legator cannot recover his legacie, in the kings Court, but only, for that remedie could not bee given unto legatories complaynants, by any writ out of the Chancery. And therefore that ſuch plaintiffes, might not be deferred of their right, and remedie in ſuch caſes, to their great dammage, it hath pleaſed the kings, by ſufferance, to tolerate the Church Officers to determine theſe caſes. Wherfore if it might pleaſe the king, to cauſe writs to be made out of his Court of Chancerie, for the recovery of Legacies, it were cleare by the Common Law of the Realme (as from the ſtatute may bee gathered) that the cognizance of theſe Caſes, did not appertaine any more to the Spirituall Court. For then might the legatorie, by that writ, bring an action againſt the Executor, to obtaine his Legacie. But how ſhould that action bee tryed? How? even as other actions of debt, detinue, or trover bee tryed, namely (as the caſe ſhould require) either by the countrey, or by the Judges upon a *moratur in lege*.

21 Ed. 1. ſtatute upon the writ of conſultation.

As Teſtaments with their adherences, ſo likewiſe matters of Spouſals, Mariages, divorces, *&c.* together with their acceſſories, by common right, of the Imperiall Crowne, did in ancient times properly appertaine to the examinations, and ſentences of the Emperours themſelves, and to their Provoſtes, Deputies, and Preſidents, of Cities and Provinces, as by their ſeverall titles, *de Teſtamentis, Legatis, Fideicommiſſis, Nuptiis, repudiis, divortio, dote, &c.* in the bookes of the civill law appeareth. By the Law of England alſo, the king hath the mariage of an heire being within age, and in his ward. Widowes alſo that hold of the King in chiefe, muſt not marie themſelves without

Matters of mariages, more meete to bee decided by the Kings, than by the Biſhops officers.

the Kings licence. And by an Act made 4. and 5. *Phil.* and *Mary*. there is a ſtreight puniſhment provided againſt all ſuch, as ſhall take away Maidens, that be inheritors, being within the age of ſixteen years, or marry them without conſent of their parents, and what reaſon letteth them, that the King might not as well have the care and cognizance of all the contracts of mariage, eſpecially of the mariage of all children and widowes, in his temporall Courts, as he hath of ſome parties, to be contracted of the Dower, of the joynture, of the diſparagment, of the age, of the taking away, of the deflouring, and of mariage without parents conſent in ſome caſes? or what a very great alteration of the common law, could enſue, in caſe the Kings temporall Juſtices, did examine and determine whether the contract were a perfect and ſimple, or conditionall contract yea, or no? For if upon the ſtatute made by *Philip* and *Mary*, that maidens and women, children of Noble men, and Gentlemen, *&c.* being heires apparent *&c.* and being left within age of ſixteene yeares, ſhould not marry againſt the will or unknowing, of, or to the father, or againſt, &c. If I ſay upon the publiſhing of this act, there hath no alteration of the common law hitherto followed, it is but a meere ſuperſtitious errour, to feigne, that a change of the Common law muſt follow, if ſo be this ſtatute were extended, to all children, both Sonnes and Daughters, of what parentage, ſexe, eſtate, or age ſoever. For if the King in his temporall Courts, had the definition of all, as well as of ſome contracts, made by children, without conſent of parents, then ſhould a multitude of lewd and ungodly contracts, made by flatterie, trifling gifts, faire and goodly promiſes, of many unthrifty, and light perſonages thereunto wonne, by intreaty of perſons of lewd demeanour, be pronounced voide, and of no efficacie, yea, and on the other ſide, a number of honeſt, lawfull, and godly contracts, ſhould be confirmed, and remaine in their full ſtrength, and force; which now upon certaine frivolous and trifling quiddities, and nicities of words and ſillables are pronounced in the Eccleſiaſticall Courts, to bee no contracts. And in good earneſt, is there now adayes, any ſoundneſſe of reaſon at all, to be heard amongſt the Doctors and Proctors of thoſe Courts, where they informe out of the Canon law in theſe caſes? For doth not their whole diſpute and information reſt principally, whether the contract be made by words of the preſent, or of the future tence? whether it be made with an oath, or without an oath? yea, and do they not exceedingly beſweat, and beſmyre themſelves, by turning and returning, by folding, and unfolding, their great and hydeous volumes, for proofe, and reproof, of *accipio*, *& accipiam*? yea and ſometimes

Much a doe in the Eccleſiaſticall Courts, about accipio, & accipiam.

times of letters and accents? If the young man and maide, having both of them their parents conſent, ſhall anſwer only in the future tence; I will have thee, or I will take thee; or I am content to take thee, or I will have none other but thee, or if ever I marry I will marry thee; and do not anſwer directly, I do take thee to mine husband, or I do take thee to my wife: oh! it is a world to ſee, and a wonderment to behold, what canvaſing, heaving and ſhoving, what a ſtirre, quoyle, and garboile, the Canoniſts make, about the lifting and removing of theſe fethers. And whatſoever the holy Scriptures have determined of the neceſſitie of parents conſent, or of what neceſſitie likewiſe ſoever the " civill law, hold the conſent of parents to bee, yet in the Eccleſiaſticall courts, the papall canon law muſt needs take place, becauſe by the ſame law, conſent of Parents, is not *de neceſſitate*, but *de honeſtate tantum*, and becauſe alſo *matrimonia debent eſſe libera*, & *non pendere ex alieno arbitrio*, Wherein the reverend Biſhops, under their favourable patience) can not clearely excuſe themſelves, of much overſight, in ſo ſlender managing of a matter, of ſo great and high a conſequence. The holy law of God, by publike authoritie, hath been commanded within this Realme, to bee ſincerely and purely taught, received and embraced. The civill law, hath not had her free courſe, in this caſe hindered, by any law of the Realme. And how then commeth it to paſſe, that the canon law, being in this point repugnant to both theſe Lawes, ſhould notwithſtanding be preferred, beare ſway, and take place, in this Realme, before and above both theſe Laws, eſpecially the ſame in this point, as being againſt the law of God, being utterly taken away. The abuſes paſt, and mariages paſt, under colour and pretext of this law, may and ought to be bewailed, and repented of: yea and that no ſuch mariages in time to come, may be made, I leave it to be conſidered, whether it might not tend to the advancement of the Law of God, be honourable for the King, and commodious for the Common Weale, providently to provide, theſe things following: *viz.*

" Inſtitu. de nup. S. 1.

The canon law preferred by the reverend Biſhops before the law of God and the civill law.

Certain ſpeciall points to be provided about mariages.

First, that no matrimonie ſecretly contracted, againſt the will, or unknowning of, or to the father, or him, or her, that hath the keeping, education, or government of the partie to be maried, before he or ſhe come to a certaine age, ſhould in any ſort, be good or available to make the poſteritie of thoſe, who ſhall bee ſo maried, legitimate, or inheritable.

Secondly, that every contract of mariage concluded, with conſent of parents, Tutor, Governour, or Gardian, ſhould be forcible and effectuall, to bind both parties irrevocably: whether the ſame contract

with an intent to conclude a mariage) be made by wordes of the preſent, or future tence, it skilleth not.

Thirdly, that every man ſtealing away, contracting, and marrying a maide, under the age of certaine yeares, without conſent of father, tutor, governour, or gardian, ſhould be a felon, and for ſuch his felonious act, ſuffer the paines of death. And laſtly, that all licences to marry without banes asking, according to the intendment of the booke of Common prayer, bee forbidden, and unlawfull for ever. Which things if they might be obſerved, it is very likely, that mens inheritances (as now many times they doe) ſhould not hang in ſuſpence, upon queſtion of legitimation or illegitimation of their children to be allowed or diſallowed by the common law. There ſhould not any ſuch long and tedious ſuites and variances hereafter fall out, betweene the poſterities and children of one man, for the right and intereſt of their Anceſtors lands. Neither ſhould Sir *Thomas Lucie*, nor Sir *Edmond Ludlow*, nor the Lady *Norton*, nor Maſter *Cooke* the Kings Atturney generall, nor many moe Knights, Eſquires and Gentlemen, complaine and bewaile, the ſtealing away, and mariages of any their daughters, Neeces, neer Kinſwomen, or Wards. Neither could it bee poſſible, that one woman might procure foure or five ſeverall licences for the mariage of foure or five ſeverall husbands, all of them being alive together, and not one of them dead. Neither ſhould there any licence of mariage be granted out of any Eccleſiaſticall Court, to any man or woman with a blanck, whereby the partie licenſed was enabled to have maried another mans wife, or his owne or his wives ſiſter. Neither ſhould any couples maried, and living together foure, ſix, or more yeers, as man and wife, upon a new and ſuddaine diſlike or diſcontentment, and upon a ſurmiſed precontract, to be pretenſedly proved by two ſubborned witneſſes, be adjudged (*by* vertue of the canon law) to be no husband, and to be no wife. Neither ſhould any man (being ſolemnly maried to a wife, and afterward by reaſon of a precontract, ſolemnly divorced from the ſame his wife, and by cenſures of the Church compelled to marry her for whom ſentence of precontract was adjudged) be reauthoriſed by the ſame Conſiſtorie, about ten or twelve years after the divorce, to reſummon, recall, and rechallenge his firſt wife: eſpecially ſhe having a teſtimoniall out of the ſame Conſiſtorie, of her lawfull divorce, and being againe ſolemnly maried to an other husband. Wherefore to conclude theſe matters of tythes, teſtaments, and Mariages (if the King ſhould not be pleaſed, to have the ſtudie of the civill law advanced by ſome ſuch law, as whereof the former project maketh mention) I diſpute for the enlarging of the common law, thus:

Complaint heretofure made upon ſtealing away and marying mens daughters, how they may ceaſe.

If it ſtand with reaſon, with the grounds and rules of the common law, and with the Kings Royall prerogative, that in caſes of Tythes, Teſtaments, and Mariages, the King, (if it may pleaſe him ſo to provide by Parliament) may give remedie unto complaynants, by writs out of the Chauncerie, and that complaints in ſuch caſes, may effectually be redreſſed upon ſuch writs, in the Kings Courts: And if alſo ſundry matters of Tythes, Teſtaments, and Mariages, bee already handled, in the Kings Courts: if theſe things (I ſay) be ſo and ſo may be; then with little reaſon, did the Admonitor warne us, that a very great alteration of the common law muſt follow, and that it will bee no ſmall matter, to apply theſe things to the temporall Law.

But the antecedent is true, as hath beene already ſhewed.

Therefore the conſequent is true.

Admonition.

Iudgements alſo of adulterie, ſlander, &c. are in theſe mens judgments meere temporall, and therefore to be dealt in by the temporall Magiſtrate only. Pag. 78.

Assertion.

We are indeed of this judgement, that in regard of the Kings Royall Office, theſe judgements of adulterie and other criminall Cauſes compriſed within this clauſe, *&c.* ought no more to be exempted, from the Kings temporall Courts, than matters of theft, murder, treaſon, and ſuch like ought to be. And for the maintenance of our judgements, we affirme, that there is no crime, or offence of what nature or qualitie ſoever, reſpecting any commandement contained within either of the two tables, of the holy law of God, if the ſame be now corrigible by ſpirituall power, but that ſome fault and contempt, one, or other, of the like nature and qualitie, as compriſed under the ſame commandement, hath beene evermore, and is now puniſhable by the Kings Regall, and temporall juriſdiction.

For, adulterie, as the ſame is to be cenſured by penance in the Eccleſiaſticall Courts, ſo is raviſhment alſo, buggerie and ſodomie, to bee puniſhed in the Kings Court, by paine of death. And, as hath beene accuſtomed, that Ordinaries by cenſures of the Church, may correct fornicators, ſo fornication alſo, (as in ſome bookes written of the com-

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mon law, is reported) hath beene in times paſſed, preſented, and puniſhed in leets, and law-dayes, in divers parts of the Realme, by the name of *Letherwhyte*, which is, as the booke ſaith, an ancient Saxon terme. And the Lord of the Leet (where it hath beene preſented) hath ever had a fine, for the ſame offence. By the ſtatute of thoſe, that be borne beyond the ſeas, it appeareth, that the King hath cognizance, of ſome baſtardy. And now in moſt caſes of baſtardie, if not in all, by the ſtatute of *Eliz.* the reputed father, of a baſtard borne, is lyable to be puniſhed at the diſcretion of the juſtices of peace.

25. Ed 3.

Perjurie if puniſhable, temporally in ſome caſes, why not in all.

Touching perjurie, if a man loſe his action, by a falſe verdict, in plea of land, he ſhall have an attaint, in the Kings Court, to puniſh the perjurie, and to reforme the falſitie. And by divers ſtatutes it appeareth, that the Kings temporall Officers, may puniſh perjurie committed in the Kings temporall Courts. And though it be true, that ſuch perjury as hath riſen upon cauſes, reputed ſpirituall, have beene in times paſt, puniſhed only by Eccleſiaſtical power and cenſures of the Church, yet hereupon it followeth not, that the perjurie it ſelfe, is a meere ſpirituall, and not a temporall crime or matter, or that the ſame might not to be civily puniſhed.

Vſurie.

By a ſtatute of *Weſtminſter*, 25. *Edw.* 3. it was accorded, that the King, and his heires ſhall have the cognizance of the uſurers dead; and that the Ordinaries have cognizance of uſurers on life, to make compulſion, by cenſures of the Church for ſinne, and to make reſtitution of the uſuries taken, againſt the lawes of holy Church. And by another ſtatute, it is provided, that uſuries ſhall not turne againſt any being within age, after the time of the death of his Anceſtor, untill his full age. But the uſurie with the principall debt, which was before the death of his anceſtor, did remaine, and turne againſt the heire. And becauſe all uſurie being forbidden by the law of God, is ſinne, and deteſtable, it was enacted, that all uſurie, lone, and forbearing of money, *&c.* giving dayes, *&c.* ſhall be puniſhed, according to the forme of that Act. And that every ſuch offender ſhall alſo bee puniſhed, and corrected, according to the Eccleſiaſticall lawes, before that time made againſt uſurie. By all which ſtatutes, it ſeemeth that the cognizance, and reformation of uſurie, by the lawes of the Realme, pertaineth onely to the King, unleſſe the King by his Law, permit the Church, to correct the ſame, by the cenſures of the Church, as a ſin committed againſt the holy law of God.

20. h. 3. c. 5.

Touching hereſies and ſchiſmes, albeit the Biſhops, by their Epiſcopall, and ordinarie ſpirituall power, grounded upon Canon law,

or,

or an evill custome, have used by definitive sentence pronounced in their Consistories, to condemn men for heretikes and schismatikes, and afterward being condemned, to deliver them to the secular power, to suffer the paines of death, as though the king being *custos utriusque tabulæ*, had not power by his kingly office, to inquire of heresie, to condemn an heretike, and to put him to death, unlesse he were first condemned, and delivered into his hands, by their spirituall power: although this hath been (I say) the use in England: yet by the statutes of *Richard* the second, and *Henry* the fifth, it was lawfull for the Kings Judges and Justices, to enquire of heresies and Lollards, in Leets, Sheriffs turnes, and in Law dayes, and also in Sessions of the peace. Yea the King, by the common law of the Realme, revived by an act of Parliament, which before the Statute of *Henry* the fourth, was altered, may pardon a man condemned for heresie, yea and if it should come to passe, that any heresies, or schismes should arise in the Church of England, the king by the Lawes of the Realme, and by his Supreme and Soveraigne power, with his parliament, may correct, redresse and reforme, all such defaults and enormities. Yea further, the king and his parliament, with consent of the Clergie, in their Convocation, hath power to determine what is heresie, and what is not heresie. If then it might please the king, to have it enacted by parliament, that they which opiniatively, and obstinately, hold, defend, and publish, any opinions, which according to an Act of Parliament already made, have beene, or may be ordered, or adjudged to bee heresies, should bee heretikes and felons, and their heresies to be felonies, and that the same heretiks and felons, for the same their heresies and felonies, being arraigned, convicted, and adjudged by the course of the common law, as other felons are, should for the same their heresies and felonies, suffer the paines of death: there is no doubt, but the King, by vertue of his Soveraigne, and Regall Lawes, might powerfully enough, reforme heresies, without any such ceremoniall forme, papall observance, or superstitious solemnitie, as by the order of the Canon Law, pretended to bee still in force, have beene accustomed.

heresies & schismes are punishable by the Kings laws.

25. h. 5. c. 4.

1 Eliz. c. 1.

1 Eliz. c. 1.

If it please the King, heretikes may be adjudged felons, and heresies felonies.

And as these offences before mentioned, bee punishable partly by temporall and partly by Ecclesiasticall authoritie, so drunkennesse, absence from divine service and prayer, fighting, quarrelling, and brawling in Church and Churchyard; defamatorie words and libels; violent laying on of hands upon a Clarke, *&c.* may not onely bee handled and punished in a court ecclesiasticall, but they may also be handled and punished by the King, in his temporall courts. By all which it is evident

The cognizance of all crimes as well as of ſome crimes by the law of God, belong to the King.

that the Clergie hath had the correction of theſe crimes, rather by a cuſtom, and by ſufferance of Princes, than for that they be meere ſpirituall, or that they had authoritie, by the immediate law of God. And if all theſe, as well as ſome of theſe crimes, by ſufferance of Princes, and by a cuſtome may be handled and puniſhed ſpiritually, then alſo if it pleaſe the King, may all theſe, as well as ſome of theſe crimes, without a cuſtome be handled, and puniſhed temporally.

For by cuſtome, and ſufferance only, ſome of theſe crimes be exempted from the cognizance of the King, and therefore by the immediate law of God, the cognizance as well of all, as of ſome of theſe crimes, properly appertaineth unto the King. And then the judgement, of thoſe men, who defend judgements of adulterie, ſlander, &c. to be more temporall, and by the temporall Magiſtrate, only to be dealt in, ſeemeth every way to be a ſincere, and ſound judgment. Howbeit, they doe not hereby intend, that the party offending, in any of theſe things, and by the Kings law puniſhable, ſhould therefore wholly bee exempted and freed from all cenſures of the Church. Nay we judge it moſt requiſite, and neceſſarie for the bringing the partie which offendeth, to repentance and amendment of life (if preſently upon ſentence of death, he be not executed) that beſides his temporall puniſhment, the cenſures of the Church according to the qualitie of the offence, may be uſed, and executed againſt him: yea and we thinke, that the King, by the holy law of God, is bound by his regall power, to command the Church, duly and rightly to uſe the ſame cenſures, not only againſt every adulterer, defamer, uſurer, &c. but alſo againſt every thiefe, every manſlayer, every traitor, and every other offender: For not only ſinnes, reputed with us Eccleſiaſticall, but all ſins, of what kind ſoever, ought to be repented of, and conſequently againſt all ſins, the Eccleſiaſticall cenſures ought to bee uſed. And by whom ſhould the ſame be exerciſed, but by the Church? Why then belike, where an offender is puniſhed in the Kings Court, he ſhall againe be puniſhed in the Eccleſiaſticall Court, and ſo for one offence, twiſe puniſhed, which were unreaſonable.

No offender freed from the cenſures of the Church

To this we anſwer, that it is not againſt reaſon, that one man, for one fault ſhould be puniſhed both temporally and ſpiritually. Firſt he conſiſteth of two parts, *viz.* of a body, and of a ſoul, in both which parts he hath offended. Secondly, he hath offended, againſt two lawes, the law of God, and the law of the King. For the execution of which two lawes, there be two kinds of officers, of two ſeverall natures, the king for the one law, and the officers of the Church for the other law; and both theſe kinds of officers, have power given them, immediate-

For a man to be puniſhed twiſe for one fault in two reſpects is not unreaſonable.

ly from God, to execute; the one, Kingly and temporall; the other paſtorall and ſpirituall power. And therefore we ſay, it ſtandeth with great reaſon, that the ſoule cauſing the body to ſinne, ſhould no more eſcape that puniſhment which is appointed for the ſoule, by the law of God, than the bodie ſhould eſcape that puniſhment which is appointed for the body, by the law of the King: why then the officers of the Church, may meddle with matters appertaining to the Kings law, and what an indignitie to the King were that? To this we anſwer, that the officers of the Church in a ſeveral reſpect, and to a ſeveral end, dealing in one and the ſelfe ſame matter, wherein the king dealeth, may no more bee charged with dealing in matters appertaining to the Crowne, by the exerciſe of their ſpirituall ſword, than can the King be charged, with medling in the ſame matters, to meddle with matters pertaining to the ſoule, by the exerciſe of his tempotall ſword. So that the ſpirituall power of the officers of our Saviour Chriſt, (which conſiſteth only in binding and looſing of the ſouls of men) can not poſſibly, by any reaſon or good intendment, be conſtrued, now to be any more prejudiciall, to the Kings prerogative, or contrariant to the lawes of the Realme, than it hath beene heretofore: Becauſe uſurie, incontinency, and divers other crimes Eccleſiaſticall have not beene puniſhed only by Eccleſiaſticall correction, but alſo by corporall paine. And therefore to take away this frivolous objection, we inſtantly pray, that the lawes of the Realme may ſtill keepe their due and ordinarie courſe, and that the Kings Scepter may retaine, that ancient and Royall eſtimation, which belongeth unto it: and that it may be ordered, by an irrecoverable law as followeth.

Poteſtas & jurisdictio actionum quarumcunque civilium: punitio, & caſtigatio externa, omnium maleficiorum quorumcunque famam, facultates, ſeu perſonas tangentium, non penes Paſtores, & Seniores Eccleſiæ; ſed penes unum ſolumque Principem, & civilem Magiſtratum ſunto, & quicunque iis non acquieverunt, capitali pœna puniunto.

Whereupon falleth to the ground, that cavillous and odious ſlander following in the Admonition; *viz.* that the lawes maintaining the Queenes Supremacie, in governing of the Church, and her prerogative in matters Eccleſiaſticall, as well Elections as others, muſt be alſo abrogated. The contrary whereof being avouched throughout this whole aſſertion, it ſhall be needleſſe to ſpend any time in the refutation of ſo groſſe an untruth.

Admonition.

Those lawes likewise, must be taken away, whereby impropriations and patronages stand, as mens lawfull possession and heritage.

Assertion.

By a statute 15. R. 2. c. 6. because divers dammages and diseases oftentimes had hapned, and daily did happen to the parochians of divers places, by the appropriation of benefices, of the same places, it was agreed and assented, that in every licence, from thenceforth to bee made in the Chancerie of appropriation of any parish Church, it should be expresly contained and compriſed, that the Diocesan of the place, upon the appropriation of such Churches, should ordaine according to the value of such Churches, a convenient summe of money, to be paid and distributed yearely of the fruits, and profits of the same Churches, by those that shall have the same Churches in proper use and by their successors, to the poore parochians of the same Churches, in aid of their living and sustentation for ever; and also that the Vicar be well and sufficiently endowed. By which statute it appeareth, that every impropriation ought to be made by licence out of the Chancerie, that it ought to be made to the use of Ecclesiasticall persons only, and not to the use of temporall persons or patrons. Now then all such parish Churches, as without licence of the king in his Chancery, have beene appropried to any Ecclesiasticall person; and againe all such parish Churches, as by licence of the King in his Chancerie, have beene appropried, to the use of lay persons, they are not to be accompted mens lawfull possessions and heritages. Besides this, as many impropriations, as whereupon the Diocesan of the place, hath not ordained, according to the value of such Churches, a convenient summe of money to be paid, and distributed yearly of the fruits of the same Churches, &c. to the poore Parochians of the same Churches, in aid of their living and sustentation for ever; yea and every Church also appropried, as whereunto a perpetuall Vicar is not ordained, canonically to be instituted and inducted in the same, and which is not convenably endowed, to doe divine service, and to inform the people, and to keepe hospitalitie there, all and every such Church and Churches (I say) otherwise than thus appropried, by the law of the Realme (as it seemeth) are not mens lawfull possessions and inheritances: For by a Statute of king *Henry* the fourth, every Church after the fifteene yeare of

King

king *Richard* the ſecond, appropried by licence of the king againſt the forme of the ſaid Statute of *Rich.* 2. if the ſame were not dulie reformed, after the effect of the ſame ſtatute, within a certaine time appointed, then the ſame appropriation and licence thereof made, preſently (the pariſh Church of *Hadenham*, only excepted) was adjudged to be void, and utterly repealed and adnulled for ever. And therefore I leave it to the inquiſition of our Soveraigne Lord the King, whether the impropriation of the pariſh Church of *Belgrave* in the Countie of *Leiceſter*, whereunto two Chappels are annexed, and other Churches appropried to the Biſhop of *Lieceſter*, ſince the ſtatutes of *Richard* the ſecond, and *Henry* the fourth, bee the lawfull or unlawfull poſſeſſion and heritage of the ſame Biſhop, yea or no. And if it bee lawfully appropried and ſo a lawfull poſſeſſion and heritage, then I leave it againe to the inquiſition of the King, what ſumme of money out of the fruits of the ſame Church ought yearely to bee diſtributed to the poore parochians, what the endowment of a Uicar canonically to be inſtituted, and inducted, in the ſame Church ſhould bee, what houſe is appointed for the ſame Vicar to keepe his hoſpitalitie in, and whether any Vicar for the ſpace of theſe many yeares paſſed, hath beene canonically inſtituted and inducted in the ſame Church, to poſſeſſe that endowment, to inhabit that ſame houſe, and to inform that people. For if by the appropriation it ſelf, or by the abuſe thereof, the poore parochians have beene defrauded of their yearely diſtribution, or if no Vicars have beene Canonically inſtituted and inducted in the ſame, or if being inducted they have their endowments ſo ſmall, or ſo coyetouſly kept back from them, as that they cannot ſufficiently maintaine themſelves, much leſſe keepe hoſpitalitie: then (as the Admonitor confeſſeth) there muſt needs be a lamentable abuſe of impropriations; and that therefore it is greatly to be wiſhed, that by ſome good ſtatute, it might be remedied.

And as thoſe Churches which are unlawfully appropried, are not the lawfull poſſeſſion and heritage, of the proprietaries, ſo on the other ſide we affirme, that thoſe impropriations, which were made and reformed, according to the ſtatutes of *Ric.* 2. and *Hen.* 4. may well ſtand as mens lawfull poſſeſſions and heritages, even with thoſe things which are required to be planted and brought into the Church, whatſoever the Admonitor hath written to the contrary. For we doe not hold that maintenance, muſt only and neceſſarily be provided for every Miniſter, by the paiment of tyths, oblations and other eccleſiaſtical profits, belonging to Churches appropried or diſappropried. For there being no direct proof to be made out of the law of God, that Miniſters of

the Goſpell, muſt only live upon tythes; the King and parliament, may well and competently enough, appoint conveniable endowments for every Miniſter, without diſapproprying of any Church appropried. And therefore little cauſe had the Admonitor, to inſinuate the ruine of impropriations, upon the bringing in the diſcipline of our Saviour Chriſt, becauſe the ſame may be well planted, and yet to other not unplanted. But what need we to argue againſt his inſinuation, conſidering hee himſelfe, before he came to the end of this page, by his owne diſclaime, contradicted his inſinuation, For if *the forme of finding Miniſters by tythes, muſt with the canon law* (as he ſaith) *be aboliſhed, and if there muſt be ſome other order for this deviſed, becauſe this may ſeeme papiſticall and anichriſtian:* what ſhould any man feare the taking away of thoſe lawes, whereby impropriations do ſtand? For if ſuch *as heretofore have ſpoken or written againſt them, becauſe* (as he inſinuateth) *the forme of finding Miniſters by tythes, ſeemed to be unlawfully taken away*, and as he would alſo inſinuate by their judgement, ought againe to bee reſtored, and not to ſtand any longer as mens lawfull poſſeſſions, and heritages. How (I ſay) doth it follow that they which deſire impropriations, to be reſtored to their priſtinate ſtate, ſhould withall enquire, to have the finding of Miniſters by Tythes, to bee aboliſhed? It ſeemeth therefore, that the Admonitor, ſo hee might bee talking, paſſed but a little what hee talked. For what a double talke is here? or to what purpoſe was this talke? Was it becauſe ſome men doe thinke, that the Miniſters, ought not to receive tythes, for their reliefe and paines in the Miniſterie? Why then, let all men know, that we diſclaime ſuch ſome mens opinions. For we account all things, pertaining to this life, directly, or by conſequence, not commanded, nor prohibited, by the holy and ſacred Scriptures, to be things indifferent, and that therefore we may uſe them or not uſe them, as the commoditie or incommoditie of the Church ſhall require. And therefore as we doe not affirme, that the maintenance of the Miniſters, muſt onely and neceſſarily bee levied out of tythes, oblations, and ſuch like, ſo alſo wee doe not deny, but that the tenth part of the increaſe of all our goods, by the authoritie of the King, and his lawes, may be alloted for their poſſeſſion and heritage: eſpecially in our countrey, the ſame manner of payment being ſo ancient, and ſo agreeable to the manners, uſages and diſpoſition of our ſtate and people. Nay ſince the payment of tythes, for ſervice accompliſhed in the ſpirituall Sanctuarie, is correſpendent in the nature thereof, to the equitie of the Law of Moſes, for the Levites attendance about the earthly Tabernacle; and ſince alſo wee bee bound by the commande-

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ment of the Apoſtle, to make him that teacheth us in the word, to be partaker of all our goods. I ſee not (ſo Jewiſh and popiſh ceremonie, and ſuperſtition be avoided) but that this duetie, may as Chriſtianly be performed, by the payment of the tenth part of the increaſe of our corne, hay, wooll, lambe, &c. as by the eight, twelfth, twentieth, or any other part of our money and coine. By payment alſo of which tithes, the Miniſters at every ſeaſon, with every kinde of neceſſarie proviſion towards hoſpitalitie, might throughly be furniſhed, which many times they ſhall want, by reaſon of mens backwardneſſe, when collections of monie are to be made. But to ſpeake no more of this matter of tithes, we will return to the objection made againſt the Apoſtolicall government, drawn from taking away impropriations. And herein we will not handle, whether the lawes whereby impropriations do ſtand, as mens lawfull poſſeſſion and heritage muſt (as hee ſaith) bee taken away: but whether impropriations, now divided from the Miniſterie, and diſperſed into many ſeverall mens hands, and imployed to many uſes in the Common weal, may not in tract of time by ſome wholeſome law, be reduced, either wholly, or in part, to be the only lawfull poſſeſſions and inheritances for the Miniſters of the Goſpell, yea and that without any prejudice or dammage unto Prince, or people.

It is evident in the eyes of all, that the Churches now appropried, doe ſtand and remaine as the lawfull poſſeſſions and inheritances, either of the King, or of the Nobles, or of the Knights, Equires, Gentlemen, and other temporall perſons: or of Archbiſhops, Biſhops, Archdeacons, Deanes, Prebendaries, and other Eccleſiaſticall perſons, or of the Vniverſities, of the Colledges in the Vniverſities, of Collegiate and Cathedrall Churches, of Schools, Hoſpitals, Fraternities, and other bodies Politike, and Corporate. Wherefore to the end our meaning may the better be underſtood, and that we may proceed orderly, we thinke it good, to examine firſt, by how many ſeverall wayes, ſome of theſe impropriations may be wholly and thoroughly reduced: ſecondly, by how many ſeverall meanes, other ſome in part, may be brought to the uſe of the Miniſterie. To reduce ſome of them wholly may bee done by reſtitution, commutation, redemption, and contribution. And firſt that I prejudice not the Lords ſpirituall, and Churchmen of their ancient priviledges, from being placed in the firſt ranke, reaſon is, that, (they teaching the people not to poſſeſſe other mens goods wrongfully) we ſpeake firſt of reſtitution to be made by them. In declaration whereof, we thinke it not fit, in this place to ſhew, to what end the ſtate of the Clergie was firſt founded into a ſtate of prelacie, by the

Impropriations may be reduced to the miniſtery by 4 meanes.

Parochiall Churches to what vſe they were founded.

the King, Earles, Barons and other great men (becauſe the ſame commeth afterward to be handled more at large) but it ſhall ſuffice at this preſent, for the purpoſe whereof we now intreat, to let the reverend Biſhops underſtand, that the ſmall Parochiall Churches, were founded, and endowed with glebe lands, tythes, and other fruits by the Lords of Manors, to the end that the Lords Tenants within the ſame Manors, ſhould be informed of the Law of God, and that hoſpitalities might be kept, and the poore of the ſame pariſhes be relieved. And beſides,

This may be proved by 15. R. 2. and 4 h. 4. c. 12. and is confeſſed by M. Bilſon in his perpet government, pag. 365. &c.

the reverend Biſhops, we hope, will grant, that the great Cathedrall, and Collegiate Churches, were not founded by the Kings progenitors, Nobles, and great men of the Realme, to the end, that thoſe great Churches, (as great Hawkes prey upon little foules) with their great ſteeples, ſhould eat and devoure the little ſteeples, or that with their great Quiers, they ſhould overthrow and juſtle downe the ſmall pulpits. And therefore we moſt humbly pray aide from the king, for the caſting of new claps to bee erected in the little pulpits, that hee would be pleaſed, to grant *reſtitutiones in integrum*, to all the little Churches, and that all impropriations, of all Parochiall Churches and benefices, now by ſpoliation, parcell of the revenues, of Archbiſhops, Biſhops, Deanes, Archdeacons, Prebendaries, and other Eccleſiaſticall perſons, reſtants within thoſe great Churches, may bee wholly reſtored to their ancient and originall uſe, according to the mindes and intents of the firſt Donors, and Patrons of the ſame parochiall and little Churches. For if (as Maſter *Bilſon* ſaith) it bee true, that the Lords of Villages, having erected Churches, and allotted out portions for divine ſervice, either by Gods or mans law, by their later grants could not have the former rights, unto their patronages overthrowne; and if the allowance given at the firſt, to the Miniſter of each Pariſh, by the Lord of the ſoyle, were matter enough in the judgement of Chriſts Church, to eſtabliſh the rights of patrons, that they alone ſhould preſent Clerkes, becauſe they alone provided for them, if (I ſay) this be true, then have the Miniſters of thoſe Villages, and of that ſoyle, juſt cauſe to require, at the Dioceſans hands, a reſtitution of ſuch allowances, as were firſt given and provided for them by the patrons; Eſpecially the Dioceſans by their owne act now enjoying, and converting the ſame allowances, to their own uſe. If it be anſwered, that this can not well and conveniently be brought to paſſe, becauſe the ſame impropriations, by the Archbiſhops, Biſhops, and other Eccleſiaſticall perſons, for diverſe ſummes of money, are now lawfully demiſed to farme, for many yeares yet to come: hereunto we anſwer, that theſe leaſes ſhould hinder nothing at all,

all, the reſtitution of the right and intereſt in reverſion, or remainder of thoſe impropriations. Only if the impropriations have beene made according to the lawes of the Realm, and the leaſes duly granted) theſe leaſes for a time, may hinder the incumbent Miniſters, from the preſent poſſeſſion of the Tithes, Fruits, and glebe Land, belonging to the ſaid impropriations. And yet may not the incumbent Miniſters, bee hindered in the meane while, from receiving the rents reſerved upon ſuch Leaſes, and which by the ſame Leaſes, are now payable to the Archbiſhops, Biſhops, and other Eccleſiaſticall perſons. Neither after the determination of the ſame leaſes, ſhould the incumbent Miniſters, be any more letted, to enjoy and receive, the whole profits in right of their Churches, than other Miniſters be now letted to enjoy theirs. If any ſhall ſay, that many of theſe impropriations, are annexed and appropried, as Prebends for the proviſion of ſome of the Prebendaries of the ſame great Churches, and that the ſame Prebendaries, in the right of their Prebends, bee the lawfull Rectors of the Churches appropried, and have *curam animarum* in the ſame Pariſhes; then we muſt inſtantly againe pray the King, that thoſe Prebendaries, by ſome wholeſome law may be conſtrained to reſide, and to incumb upon their ſaid Prebends, and Parochiall Churches, and that by continuall preaching of wholeſome doctrine, they may endeavour to cure the ſoules of the people, over whom, by the order of thoſe great Churches, they be ſet, and over whom they have taken charge. And withall that they may no more be ſuffered, to ly and to live idely in their Cloyſters, in their caves, and in their dens, ſometimes at *Worceſter*, ſometimes at *Hereford*, ſometimes a *Glouceſter*, ſometimes at *Saliſburie*, ſometimes at *Weſtminſter*, ſometimes at *Southwell*, ſometimes at *Windſore*, ſometimes at *Pauls*, ſometimes at *Oxford*, and ſometimes at *Cambridge*. When in the meane while both ſeldome, and very ſlenderly, they feed other ſheep, whoſe fleeces they take in, and about *London*, *Winchеſter*, *Tukesbury*, *Reading*, and other places of the Countrey. Beſides wee pray that theſe prebends, after the determination of Leaſes now in being, may never any more bee let to farme, ſo that the fruits thereof may ſerve for thoſe Prebendaries, or other ſucceeding Miniſters, to make Hoſpitalities, Almes, and other works of Charitie. If it be alledged that the king now having firſt fruits, Tenths, and Subſidies, out of the impropriations of thoſe great Churches, as being all compriſed, under a groſſe ſumme of the Tenths payable for the whole revenues of the ſame Churches, ſhould loſe the firſt fruits, Tenths, and Subſidies, of the ſame impropriations, if hereafter they become either donative, or preſentative; to this the an-

ſwer is readily made, *viz.* that Tenths, firſt fruits, and ſubſidies, might as well be paid then as now. And that the King might then aſwell have right to the donation of the benefice diſappropried, as the Biſhop now hath the gift of the prebend appropried.

In the next ranke cometh commutation to be ſpoken of. Wherein, becauſe the impropriations of Parochiall Churches appertaining now to the King, Nobles, Commons, Colledges, Schooles, Bodies politike, *&c.* were at the firſt appropried only by the diſcretion of the Dioceſans, Predeceſſors to the reverend Biſhops that now are, unto Abbots, Priors, Nuns, Friars, *&c.* and becauſe the ſucceſſors of thoſe Dioceſans be bound in the ſame band of iniquitie with their predeceſſors, unleſſe by all good meanes they labour that things may be brought to their firſt, and priſtinate ſtate, it ſeemeth equall and juſt, that this commutation ſhould likewiſe proceed and be drawne from the Dioceſans, and great Churches before ſpecified.

The reaſons whereof may be ſuch as follow.

Perpetuall power, pag. 367. 25 Ed. 3. ſtatutes for proviſours. Biſhopricks founded to ſome lumptuous uſes.

The Lands and poſſeſſions given by the Kings progenitors, the Earls, Barons and other great men of the Realme, to Biſhoprickes, were not given (as Maſter *Biſſon* affirmeth) to unburden the people of the ſupport and charges of their Biſhops, but they were given (as the Law of our Land teacheth us) firſt, to informe the people in the Law of God in thoſe Churches; Secondly, to keepe Hoſpitalities, almes, and other workes of charitie; And thirdly, for the ſoules of the founders, their heires, and of all Chriſtians. Now then, if ſome of theſe conditions be ſuch as for the impietie thereof ought not to be performed, and if other ſome alſo, being good and godly, be not performed, and ſo the things are to returne to their firſt nature, as in the ſame ſtatute is alledged; then is it reaſon, that the King and Nobles, who are the juſt inheritours and ſucceſſors, to thoſe who were firſt Donours, and founders of thoſe Churches, ſhould have as free a diſpoſition, and donation of thoſe lands and poſſeſſions now, as his, and their progenitors and anceſters ever had. And ſeeing it is manifeſt, that the lands and poſſeſſions of Archbiſhops, Biſhops, Deanes, and Chapters, doe not for the moſt part, now a dayes ſerve for thoſe good uſes, for the which they were firſt granted, namely, to informe the people in the Law of God, to keepe hoſpitalities, almes, and other workes of charitie, but partly for the uſe of chaunting, and ſinging in the quires; and partly to vaine, idle, ſuperfluous, and pompous uſes, the king can not doe a better and more charitable deed, than to convert a parcell of the ſame lands and poſſeſſions (thus by defect of the conditions not performed, returning to their firſt nature) to and for the neceſſarie

and

and perpetuall proviſion of learned, able, and preaching Miniſters, to be planted in parochiall Churches, now deſtitute of ſufficient paſtors, for want of ſufficient maintenance, nay ſithence Archbiſhoprickes, Biſhoprikes, and other prelacies, by the very expreſſe letter of the ſtatute; are ſaid to be founded to ſuperſtitious uſes: *viz.* for the ſoules of the founders, their heires, and of all Chriſtian, the ſame reaſon led King *Henry* the eight, his Nobles and Parliaments, to diſſolve Abbeys and Monaſteries, and the ſame reaſon alſo, which moved King *Edward* the ſixth, with his Nobles, and Parliament, to diſſolve Colledges, free Chappels, and Chauntries, the ſame reaſon, may be a ſufficient reaſon, to perſwade our Soveraigne Lord King *IAMES* that now is, with his Nobles and Parliament, to diſſolve Archbiſhoprickes, Biſhoprickes, Deanries, *&c.* Firſt, to the end theſe Prelacies and Dignities, may never in any ſucceeding ages, ſerve to any ſuch ſuperſtitious uſes, as whereunto they were firſt erected. Secondly, that the King having them all in his owne hands, and free diſpoſition, may be the only founder and donor of ſo many new Biſhoprickes as might pleaſe him to erect, and endow with ſuch liberall, and convenable endowments, as might ſerve for learned Evangelicall Biſhops to enforme the people in the holy Evangell of Chriſt, to keepe hoſpitalities, almes, and to doe other workes of charitie, rather than to bee expended, as now for a great part they are, upon the keeping of great horſes, caroches, and troupes of ſerving idlers. The commutation then whereof we ſpeake, and which wee moſt humbly commend, to the conſideration of the King, is, *viz.* That parcell of the temporall Lands and poſſeſſions of Archbiſhops and Biſhops, together with all the lands and poſſeſſions ſerving to the maintenance of idle Miniſters, and idle Songſters, in Cathedrall and Collegiate Churches (the Collegiate Churches of *Eaton* and *Winchester*, and the Cathedrall and Collegiate Churches in *Oxford* and *Cambridge* excepted) by an equall and reaſonable proportion, may be made, with ſuch impropriations, as belong to the King, the Nobles, Commons, Colledges, Hoſpitals, Schooles, *&c.* Provided as before hath beene ſaid, that there may be a liberall and convenable endowment, for the learned Biſhops or Paſtors, to be continued and placed in all the chiefe and principall towns and cities of the Realm. And that the impropriations of Parochiall Churches may for ever, be lyings for the Miniſters of the ſame Churches. And therefore in the juſt defence of the innocencie of all ſuch as require a godly and religious reformation, we ſay, that they ought not, to have beene traduced before the king, as robbers and ranſackers of the Church. And that ſome of the plotters for the Prelacie, more

honeſtly might have imploied both their Latine and their labour, than lately they did. When by drawing Letters (as they pretended) congratulatorie to the King, only in the name of Preaching Miniſters, they procured notwithſtanding ignorant, and unpreaching Miniſters to joyne in the action, and to affixe their hands and names. That ſuch letters have beene made and ſigned, is ſufficiently to be proved, but whether they have beene preſented to the Kings hands, is not yet knowne. Only if they ſhall hereafter come, then may they be knowne by theſe words: *Nos Concionatores, &c, ab omni domeſtica capacitate eorum, qui prætextu religionis, eccleſiæ inſidiantur.* My Lord the King is wiſe, according to the wiſedome of an Angell of God, to underſtand all things whereof he is informed.

2 Sam. 14. 24.

Publike redemption of impropriations.

The third means to reduce impropriations, unto the poſſeſſion of the Miniſterie is by way of publike redemption or purchaſe. For the accompliſhment whereof it is neceſſarie, that not only a common treaſure be provided, but alſo that the price of impropriations, by a publike conſent be valued, at a reaſonable rate to make, which rate will bee a matter of ſmall weight, whether they bee valued to bee bought and ſold, at their old and ancient, or at their new and improved rents. To provide a common treaſure, though to ſome it may ſeeme a matter intricate, and troubleſome, yet ſeeing the ſame poſſibly and conveniently may be done, there is no cauſe, that men ſhould faint, before thy fight, or be at an end, before they begin. It is written that the cauſe when king *Solomon* raiſed the tribute, to wit, was to build the houſe of the Lord, his own houſe and *Millo*, and the wall of *Ieruſalem*. After that wicked *Athaliah* and her children, had broken up the houſe of God, and had beſtowed all the things, that were dedicate for the houſe of the Lord, upon *Baalam*, King *Ioaſh* commanded the Prieſts and Levites, to go unto the Cities of *Iudah*, and to gather of all *Iſrael* money to repaire the houſe of God, from yeare to yeare, and they made a cheſt, and made Proclamation to bring the tax of *Moſes*, and the Princes rejoyced, and brought in, and caſt into the cheſt. And when there was much ſilver, they emptied the cheſt, and carried it to his place againe, and thus day by day they gather ſilver in abundance. If then towards the building of an earthly houſe, the Princes and people of *Iudah* and *Iſrael*, willingly with joy of their hearts, from yeare to year, and from day to day, threw ſilver in abundance into the cheſt, how much more were it praiſe worthy, if Chriſtian people, did encourage themſelves, to pay a ſmal tribute towards the proviſion of a competent maintenance, for their ſpirituall paſtours, by whoſe labours, as lively ſtones, they might be builded up into a ſpirituall temple in the Lord?

1 Kin. 9. 15

2 Chr. 24.

That

That many and great taxes and tributes of late yeares have beene made for many uſes, and to many purpoſes, there is no man ignorant thereof. And therefore though there be little reaſon, that the people ſtanding already burdned, with great charge, ſhould be againe recharged, eſpecially when without any extraordinarie burthen, there is an ordinarie meanes, (if the ſame were accordingly beſtowed) by the people yeelded, to relieve the Miniſters in all places, with a decent and comely portion; yet notwithſtanding to be eaſed, from thoſe publike payments, and annuall grievances, impoſed by the Eccleſiaſticall Courts, upon the people is not to be doubted, but the pariſhioners in all places would willingly pay any reaſonable tax or tribute, to be demanded of them for this purpoſe.

The diſſolution of Chappels may bee a good meane to raiſe a tribute.

An other meanes to raiſe this publike treaſure, may be a diſſolution of all free Chappels, and Chappels of eaſe in the Countrey, together with an union of two or moe Churches into one, eſpecially in Cities and great townes. For as in theſe Cities and Townes, the pooreſt, and meaneſt livings bee provided, ſo generally for the moſt part, are they fitted, with the pooreſt, and meaneſt Curates, as by moſt lamentable experience is to be ſeene, in all the Epiſcopall Cities of the Realme, excepting *London*. Nay the chiefe and Metropolitane Citie of *Canterbury* is not to be excepted. For in that Citie there being about 12, or 13, Pariſh Churches, there hath not beene ordinarilie of late yeares above 3. or 4. able Preachers, placed in the ſame Churches.

The Chappels to be diſſolved, and the Churches to be conſolidated by two, and two into one, and one can be no fewer in number than one thouſand at the leaſt. All which if they might be ſold, the money to be raiſed upon their ſale, could bee no leſſe than twentie thouſand pounds, if they were ſold only for twentie pounds a peece. But if they be well worth double or treble ſo much, then would the treaſure alſo be double or treble. This diſſolution of Chappels, and union of Churches, is no new device, nor ſtrange innovation: but hath beene heretofore thought upon, and in ſome part confirmed alreadie by our Kings in their Parliaments. Touching the diſſolution of Chappels, the moſt reverend Father *Thomas Cranmer*, Archbiſhop of *Canterburie*, with the reſidue of the Kings Commiſſioners, appointed for the reformation of Eccleſiaſticall lawes alloweth of the ſame. And for the union of Churches, there was an act made 27. H. 8. ſo they exceeded not the value o ſix pounds. And by a ſtatute 1 Ed. 6. it was lawfull for the Mayor and Recorder of the Citie of *Yorke*, and the Ordinarie or his Deputie, and ſix Juſtices of the peace in the ſame Citie, to unite and knit together, ſo many of the poor pariſhes of the ſame

Diſſolution of Chappels no new device.

Titu. de eccleſ. gard. fol. 54.

Lawfull for the Major of Yorke, &c. to unite Churches in the Citie of Yorke.

Cities and ſuburbes of the ſame, as to them ſhould be thought convenient, to be a living for one honeſt incumbent. And it was lawfull for the ſaid Major, Recorder, and Aldermen, to pull downe the Churches, which they ſhould think ſuperfluous in the ſaid citie, and ſuburbes of the ſame, and to beſtow the ſame, towards the reparation and enlargment of other Churches, of the Bridges in the Citie, and to the relief of the poor people. The conſiderations which moved the King and Parliament to ordaine this act, were theſe, *viz.* The former incompetency of honeſt livings, the former neceſſitie of taking very unlearned and ignorant Curates not able to doe any part of their duties; the former repleniſhing of the Citie, with blinde guides and Paſtors; the former keeping of the people, aſwell in ignorance of their duties to God, as alſo towards the King and Common weal; and laſtly the former danger of the ſoules of the Citizens. If then in theſe dayes it might pleaſe the King to apply like plaiſters, to the like ſores, to provide remedies for the like miſchiefs, and for the like diſeaſes, to miniſter like medicines, it would come to paſſe no doubt, in few years, that the lame and the blind and the broken, with a number of unhallowed and unclean beaſts, ſhould be ſwept, and caſt forth of all the Parochiall Churches, within *Canterburie, Wincheſter, Chicheſter, Lichfield, Oxford*, and other great Cities of the Realme. For theſe Chappels, and ſmaller Churches, being the very Seminaries, of all hirelings, and idle Shepheards, a Benefice can no ſooner become void, but the poore and hungry Chaplaines, wearie of their thin dyet, and long leaping after a beane, preſently trudge to the Patron, offering, or accepting any conditions to bee preſented by him. And not only ſhould the Church by this meanes, bee rid of theſe vermine, but alſo the learned and Preaching Miniſter, without further aide or contribution, in thoſe places, might have more liberall maintenance, than erſt they have had. For then ſhould they be no more conſtrained, to deduct out of their livings, by reaſon of Chappels yet ſtanding, and as it were annexed to their pariſh Churches, ſome 10 pound, ſome 20. pound, ſome 30. pound by the yeare, for the wages of theſe hirelings, beſides this a ſingular and apparant benefit, could not but redound to the Common weale, by the diſſolution of theſe Chappels, when as many, long, tedious, and chargeable and uncharitable ſuites, heretofore had and commenced, ſhould hereafter be extinguiſhed, betweene the parochians of the mother Churches and the inhabitants of *Hamblets*, for and concerning the repaire, and reedifying of the ſaid Churches, and Chappels, and for other rights, and duties challenged to belong from one unto the other.

What reaſons moved K. Ed. 6. to unite Churches in York may move king James to unite Churches in Canterbury &c.

Chappels, the ſeminaries of hirelings.

By the diſſolution of Chappels many ſuits in law ſhould be avoided.

A third

A third meanes to leavie a treaſure, for the redemption of impropriations, may be a ſequeſtration of the fruits of the Churches of non Reſidents, and commendames, with the fruits of the Churches of the pluraliſts, and *perinde valeres*, from the which ſame the plurified perſons are to depart, the ſaid ſequeſtration no longer to endure, than ſome able Miniſters may be provided and placed in the ſame Churches.

Sequeſtration of the fruits of the Churches of pluraliſts may further the treaſure for the redemption of impropriations.

A fourth meane to raiſe this treaſure, if it pleaſe the king, and that the Church have found favour in his ſight, may be the money due unto the King upon ſuch penall Lawes, as for the benefit o the Common weale, are neceſſarily to be put in execution, and eſpecially upon the law of proviſion and premunire, not pardoned by the Queene. And albeit happily the King, upon a moſt worthy and Chriſtian zeale, be well pleaſed hereafter not to urge upon the popiſh recuſants, the payment of their forfeitures, for abſence from divine ſervice, yet becauſe they be able and do daily contribute to ſeminaries abroad, and be favourers and abetters of popiſh Prieſts and Jeſuites, lurking at home, the moſt treaſonable and dangerous enemies, that can be to the Kings Perſon and State, in conſideration hereof (I ſay) if it may pleaſe the King, it ſeemeth not unreaſonable (the law ſtanding ſtill in force, and unrepealed) that the popiſh recuſants be urged to the payment of ſuch ſummes of money, as are already forfeited; the ſame by the commandement, and free gift of the King to bee imployed upon the redemption of ſuch impropriations, as are within the pariſhes of their abodes. To the end that learned, and preaching Miniſters, being placed in the ſame, they, their wives, children, ſervants, tenants, and dependants, by the powerfull preaching of the word, might be converted unto the Goſpell.

It followeth now in order, that wee ſpeake of contribution, the fourth meanes whereby ſome impropriations may be reduced wholly to the uſe of the Miniſterie. Wherein there can not any certaine rule, or direction be preſcribed: becauſe it muſt proceed onely from thoſe, whoſe hearts God ſhall touch, ſtirre up, and encourage, willingly to bring a free offering, unto the Lord, for the building up o' his ſpiritual houſe. For of every one (ſaith the Lord) whoſe heart offereth it freely, ye ſhall take an offering for mee. And every one whoſe heart encouraged him, and whoſe Spirit made him willing, and men, and women, as many as were free-hearted, came and brought, taches, and earings, and rings, and bracelets, all were jewells of gold, and blew ſilke, and purple, and ſcarlet, and fine linnen, and Goates haire, and Rammes skinnes, and Badgers skins, and ſilver, and braſſe, and Shittim wood.

By what contribution impropriations may bee brought to the uſe of the miniſtery.

Exod. 25. 2.

Exod. 35.

wood, and Onix ſtones, and Spice, and Oyle: Every man, and woman,
Exod. 36. 5. (I ſay) whoſe hearts moved them willingly to bring for all the work,
1 King. 8. which the Lord had commanded, brought a free offering, yea and the people brought too much, and more than enough, for the uſe of the worke of the Lord. King *Salomon* having all the Elders, the heads, the chiefe Fathers, and all the men of Iſrael, and the Prieſts and Levites, to bring up the Arke and Tabernacle of the Lord, offering Beeves, and Sheepe which could not bee numbred for multitude. Yea and after theſe offerings were made, and after the King had prayed, that their heart might be perfect with the Lord their God, to walke in his ſtatutes, and to keepe his commandements, as at that day; the king againe offered a ſacrifice of two and twenty thouſand beeves, one hundred and twenty thouſand ſheepe, and ſo was the houſe dedicated. After the returne of the people out of captivitie, certaine of the chiefe Fathers, when they came to the houſe of the Lord, which was in *Eruſalem*, they gave after their abilitie, unto the treaſure of the worke, evenone, and three ſcore thouſand drammes of gold, and five
Ezr. 2. 68. &c. thouſand peeces of ſilver, and an hundred prieſts garments: they gave money alſo to the Maſons, and to the workemen, and meate, and
Nehe 2. &c. drinke, and oyle. Yea at the exhortation of *Nehemiah*, the Prieſts, the great men, the people, and the women, that they might bee no more a reproach, ſet their mindes to the building of the walls, and at their owne charges, builded ſome one gate, ſome another; ſome one doore, ſome another; ſome one tower, ſome another: ſome one portion of the Wall, ſome another. Wherefore, ſeeing wee have not an *Eſter* to ſucceed our *Deborah*, but a *Salomon* rather to ſucceed a *David*; yea ſuch a *Salomon*, as whoſe heart the Lord hath filled with an excellent ſpirit of wiſedome, of underſtanding and of knowledge, to find out, and to diſſolve hard and curious parables, and hath put in his heart to teach and to guide others; we reſt perſwaded in our hearts, that the King for his part, treading in the ſteps of the godly Kings,
Nehe. 5. Princes, and Governours of *Iudah*, will goe in, and out, before his people, as they did before theirs. And that he will rather not eat of the bread, nor drinke of the wine, of the governours that were before him, than that he will not remit the proviſions, the ſeaſements, the fynes, the impoſitions, and the amerciaments, that have beene exacted. Yea
2 Chro. 11. alſo that he will feed from his owne table, an hundred and fiftie Prophets, and prepare for them oxen, and ſheepe, and birdes, and wine in all abundance, becauſe they are come unto him, from among the prelatiſts that were about them, becauſe their bondage hath been grievous unto them. Yea further alſo, we are perſwaded, that he will make

our

out of his Lap every ſervant of his, that ſhall beare rule over his people. And thus much of the meanes whereby ſome impropriations, may wholly be reduced to the uſe of the Miniſterie. It followeth to ſhew by what meanes other impropriations, may bee converted in part, to the maintainance of Miniſters to be planted in parochiall Churches, now deſtitute of able Paſtours, in caſe the ſame impropriations by none of the former meanes, can bee reduced wholly to their firſt and ancient inſtitution. Wherein theſe two things come principally to be conſidered.

how impropriations may be in part, reduced to the Miniſterie.

Firſt, whether it were not convenient, by ſome wholeſome law; to have it ordained, that the Heads, Governours, Rulers, and Maſters of the Vniverſities, Colledges, Cities, Townes, Hoſpitals, free Schooles, and other bodies politike and corporate, ſhould not from henceforth demiſe or ſet to farme their, or any of their impropriations, or any of their glebe Land, Tythes, or other fruits belonging to the ſame, untill ſuch time as all leaſes heretofore made, bee fully ended, or otherwiſe determined.

Secondly, whether it were not convenient to have it enacted, by the ſame law, that all and every impropried Church and Churches, with their glebes, tythes and other fruits, after the determination of the leaſes now in being, ſhould bee demiſed and ſet to farme, onely to the incumbent Miniſters of the ſame Churches, for terme of their naturall lives, if ſo long they did continue reſiant, and faithfully preach in the ſame Churches, the doctrine of the Goſpell, according to the articles of Religion, concerning Faith and Sacraments; by publike authoritie, now eſtabliſhed in the Church of England. And becauſe by likelihood the Vicars will not be able to pay fynes or incomes unto the Colledges, Hoſpitals, and other places, and becauſe alſo it ſeemeth reaſonable, that the Colledges, Hoſpitalls, and other places, by ſome other meanes, ſhould be recompenced, wee leave it againe to be conſidered, whether it were not convenient that the Vicars, in conſideration of non payment of fynes, ſhould yeeld in money, corn, or other proviſion, to the double or treble value, of the ancient and unimproved rents. For men experienced in theſe affaires of this life, know that the profits ariſing out of Churches appropried unto the farmours thereof, are commonly ſix, eight, or ten times more worth by juſt eſtimation, than are the old rents, payable unto Colledges, Hoſpitalls, and other like places. And thus wee ſee how together with the bringing in of theſe things, which are required to bee planted in the Church, impropriations may ſtand, as mens lawfull poſſeſſions, and heritages, or otherwiſe how without damage or hurt to

the King or Realme, they may be converted to the uſe and proviſion of the Miniſters, whatſoever hath beene inſinuated by the Admonitor to the contrary. And yet doe I not in any of theſe things, or of any other thing, firſt or laſt, ſpoken, or to be ſpoken, deſire mine owne advice and judgement ſo to be reſpected, as though I ſhould arrogate unto my ſelfe more knowledge than all others, which labour in the cauſe of reformation: but onely I ſubmit theſe my private meditations with their reaſons, to the cenſures of all wiſe, godly, and learned men. Humbly praying them ſo to beſtirre their owne wits, and ſo to beſtow their owne cunning, and learning, that a better and more eaſier way, by their ingenuouſneſſe, may be found out, and procured to take place. And in the meane ſeaſon, that theſe motions tendered to their views, may not altogether be neglected, but duely weyed, and conſidered. Eſpecially for that I have not tendered any other thing to be performed, by any of theſe meanes, unto any other, than ſuch as whereunto I my ſelfe to my power, yea and beyond my power as far as in me lyeth, ſhall be ready to yeeld.

And howſoever the Biſhops and other great Clergie Maſters, with their ſtately favourites, may pretend ſome part of this device, to bee an hinderance of learning, and other ſome part not to be for the Kings profit; yet to the firſt we anſwer briefly, that learning is not ſo much furthered by a few great rewards, provided for a few great learned men, as it is by many good rewards, appointed for many good learned men, as hereafter more at large, in a more convenient place is declared. Touching the Kings profit, we affirme, that it is not only moſt profitable, but alſo moſt honourable for the King, to have a multitude of loyall, vertuous, and godly ſubjects. And that ſuch manner of ſubjects, can by no meanes better bee procured, than by a continuall preaching Miniſterie of the Word, to be planted in every pariſh, of the Kings Realmes. And becauſe no man better knoweth the recyproeall duties, betweene a Chriſtian King, and Chriſtian Councellers, we leave the diſcerning of the ſpirits of theſe profit preachers to the tryall and judgement of the moſt Chriſtian King; whom if hee ſhall finde, either by flatterie, to fawne upon the Kings profit, or by labouring to keepe the King in a good opinion of things amiſſe, wee moſt humbly beſeech the King to accept them, and reward them for ſuch, as could wiſh in their hearts, the king ſhould rather bee impoveriſhed by having many bad, and unprofitable ſubjects, than that themſelves would not be inriched, by enjoying many good and profitable impropriations. As for the Lawes whereby patronages do ſtand, as mens lawfull poſſeſſions, and inheritances, which (as the Admoni-

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tor ſaith) muſt alſo be taken away, how the ſame lawes may ſtill endure, or by conſent of patrons, bee altered without their dammage (if God permit) when we come to ſpeak, of the elections of Miniſters, wherein the reformers are charged with the hurling, and thruſting out of Patrons, ſhall be declared.

ADMONITION.

The lawes of England to this day have ſtood by the authoritie of the three eſtates, which to alter now by leaving out the one, may happily ſeeme a matter of more weight, than all men doe judge it.

ASSERTION.

Not to ſtand upon termes with the Admonitor, that the lawes uſually called the common lawes of the land, being meere cuſtomarie lawes, did never yet ſtand by the authoritie of the three eſtates, I will take his meaning to bee, that the ſtatute lawes of England, to this day have ſtood by authoritie of the three eſtates, which to alter now by leaving out the one, *&c.* and then thereunto, I anſwer, that not any one of the three eſtates ſhould be left out, or barred, from having authoritie in making and promulging ſtatute lawes, though the government of the Church, by Paſtors and Elders were brought in. For we which ſo much cry (as he ſaith) for this manner of government, to be planted, are ſo farre from exempting, or excluding any one of the three eſtates, from their ancient power, priviledge, and preeminence, in the making of ſtatute lawes, as that wee pronounce him to be guilty of high treaſon, to the King and to the Realme, that avoweth the contrary. And we affirme directly, and confeſſe plainly, that it belongeth only, wholly and altogether, to the three eſtates, as well to roote out, and to pull up, whatſoever government, is not juſtifiable, by the holy law of God: as alſo to plant and to ſettle, whatſoever diſcipline is warrantable by the ſame law. And to ſpeak as the thing is, how were it poſſible to have the diſcipline by Paſtors and Elders planted by authoritie of the three eſtates, if one of the three eſtates ſhould be left out? or can it be imagined, that any one of the three eſtates, would ever conſent, to the bringing in of ſuch a government of the Church, as whereby (the ſame governement being once brought in) the ſame eſtate, ſhould ever after wards ceaſe, to be any more an eſtate?

The bringing in of the diſcipline by paſtours and elders is not the leaving out of parliament any one of the three eſtates

Beſides we acknowledge that all powers are of God, and therefore every one of the three eſtetes, being a power, we grant that the ſame hath his ſtateſhip, by the authoritie of God. And if all the three eſtates be lawfull by the holy law of God; how can it bee verified againſt us, that we, which urge the ſame holy law, for the bringing in of the diſcipline by paſtors and elders, ſhould notwithſtanding contrary to the ſame law, intend the leaving out, or altering any one of the three eſtates? But which of the three eſtates was it that he meant, ſhould bee left out? I trow there is none of the ſtate of prelacie, ſo ill adviſed, as to take upon him the proof of this poſition: *viz.* That the Lords ſpiritual by themſelves alone, doe make one of the three eſtates, or that the ſtatutes of England, to this day have ſtood by their authorities, as by the authoritie of thoſe, who alone by themſelvs are to be accompted, one of the three eſtates. For if that were ſo, how much more then, might the great Peeres, Nobles, and temporall Lords, challenge to make by themſelvs an other eſtate? And without contradiction, to this day the commons ſummoned by the kings writ, have ever been reckoned a third eſtate. Now then if ſtatutes have hitherto ſtood, by authoritie of the Lords ſpirituall, as of the firſt eſtate, by the authoritie of the Lords temporall, as of the ſecond eſtate, and by authoritie of the commons, as of the third eſtate, I would gladly be reſolved, what accompt the Admonitor made of the Kings eſtate. It had not beene liegnes, nor loyaltie (I am ſure) howſoever hee ſpake much of the Lords ſpiritualls dutie and fidelitie in the execution of our late Queenes lawes, to have ſet her Royall perſon, authoritie and ſtate, behind the lobbie, at the Parliament doore, Either the kings Royall perſon then, as not compriſed within the compaſſe, and circumcription of the three eſtates, by his meaning (which had beene but a very bad meaning) muſt be thought to have beene hitherto ſecluded, from authorizing the ſtatute lawes, made in Parliament. Or els it is a moſt cleare caſe, that the Lords ſpirituall themſelves alone, do not make any one of the three eſtates. And what matter then of more weight, may it happily ſeeme to be, to alter the authoritie of the Lords ſpirituall, and to leave them out of the Parliament, when as notwithſtanding, they being left out, the ſtatutes of England, may remaine and continue, by authoritie of the three eſtates? And it were not amiſſe for the Lords ſpirituall, to conſider, that the bodie and ſtate of the weale publike, both now is and ever hath beene, a perfect, entire and complete bodie, and State, without the bodie and ſtate of Prelacie: and that the King, and Nobles, and Commons of the Realme, without Prelates, Biſhops or Clerkes, doe make up all the members and parts of the bodie, and of the ſtate; and may therefore

The ſtate of the prelacie is not one of the three eſtates in parliament.

or-

Ordaine, promulg and execute, all manner of lawes, without any conſent, approbation or authoritie yeelded unto the ſame, by the Biſhops ſpirituall, or any of the Clergie. And thus much our Divines, Hiſtories, and Lawes do juſtifie. Sir *Iames Dier*, Lord chiefe Juſtice of the Common pleas in his reports, telleth us that the ſtate and bodie of a Parliament in England, conſiſteth firſt of the King, as of the head and chiefe part of the bodie; ſecondly of the Lords, as principall members; and laſtly of the Commons as inferiour members of that bodie.

Anno 36. h. 8. fo. 51. b & Anno m. j. fo. 93. a.

By a ſtatute of proviſoes, it appeareth, That the holy Church of England, was founded into the ſtate of prelacie within the Realm of England, by the grand father of King *Edward* the third, and his progenitors, and the Earles, Barons, and other Nobles of the Realme, and their Anceſtors, for them to informe the people of the law of God, and to make hoſpitalities, and almes, and other workes of charitie, in the places where the Churches were founded. From whence it followeth: Firſt that the Archbiſhops and Biſhops only and alone, doe not make of themſelves any ſtate of prelacie, but that the whole holy Church of England, was founded into a ſtate of Prelacie: Secondly it is plaine, that the Kings of England, before they and the Earles, Barons, and other Nobles, and great men had founded the holy Church of England, into a ſtate of Prelacie, ought and were bounden, by the accord of their people, in their Parliaments, to reforme and correct whatſoever was offencive, to the lawes, and rights of the crowne, and to make remedie, and law in avoiding the miſchiefes, dammages, oppreſſions and grievances of their people, yea and that the Kings were bound by their oathes, to doe the ſame lawes ſo made, to bee kept as lawes of the Realm, though that thorough ſufferance, and negligence, any thing ſhould at any time be attempted to the contrary. For whereas before the ſtatute of *Caerlile*, the Biſhop of Rome, had uſurped the Seignories, of ſuch poſſeſſions and benefices, as whereof the Kings of the Realme, Earles, Barons, and other Nobles, as Lords and Avowes ought to have the cuſtodie, preſentments and collations. King *Edward* the firſt, by aſſent of the Earles, Barons, and other Nobles, and of all the communaltie, at their inſtances and requeſts, and without mention of any aſſent of the ſtate of prelacie, in the ſaid Parliament holden at *Caerlile*, ordained that the oppreſſions, grievances, and dammage ſuſtained by the Biſhop of Romes uſurpation, ſhould not from thenceforth, be ſuffered in any manner. And foraſmuch as the grievances and miſchiefes mentioned in the ſaid Act of *Caerlile*, did afterward in the time of King *Edward* the third, daily abound to

25. Ed. 3. holy church founded in the ſtate of prelacie by the King.

Theſe uſes are changed to the keeping of great horſes, great troopes of idlers with long haire, and great chaines of gold.

6 Eliz. c. 1. The King bound to do lawes made without aſſent of prelates to bee kept as lawes of the realmes.

greater dammage and deſtruction of the Realm, more than ever before, and that by procurement of Clerks, and purchaſers of grace from Rome the ſaid King *Edward* the third, by aſſent, and accord, of all the great men, and commons of this Realme, and without mention of any aſſent of Prelates, or Lords ſpirituall, having regard of the ſaid Act of *Caerlile*, and to the cauſes conteyned in the ſame to the honour of God and profit of the Church of England, and of all this Realme, ordained and eſtabliſhed, that the free elections of Archbiſhops, Biſhops, and all other dignities, and benefices, elective in England, ſhould hould from thenceforth, in the manner as they were granted by the Kings progenitors, and founded by the anceſtors of other Lords. And in divers other ſtatutes made by King *Edward* the third, it is ſaid, that our ſoveraigne Lord the King by the aſſent of the great men, and all the Commons hath ordained remedie *&c.* That it was accorded by our Soveraigne Lord the King, the great men, and all the commons, that the King chiefly deſiring to ſuſtaine the people in tranquillitie and peace, and to governe according to the lawes, uſages, and franchiſes of his land, by the aſſent and expreſſe will and accord of the Dukes, Earles, Barons, and the Commons of his Realme, and of all other whome theſe things touched, ordained that all they, *&c.* By which deſire of the King, and words of the Act, wee learne, that our ſoveraigne Lord King *Iames*, may ſuſtaine his people, in tranquillitie and peace, and governe according to the lawes, uſages, and franchiſes of his kingdome, though the aſſent, and accord of Prelates bee never required to the enacting of any ſtatute in Parliament. Nay ſuch hath beene and yet is the power of the King, that with the aſſent and accord of the Nobles, and Commons, he hath authoritie to adnull, and make voide, even thoſe Acts which in favour of Prelacie, and aſſent of Prelates, have beene enacted in Parliament. As by an Act made in the time of King *Edward* the third, is plainly to be ſeene. For whereas the King by aſſent of the Prelates, Earles, *&c* had willed and granted for him, and for his heires, certaine articles firmly to be kept, and holden for ever, namely that the Miniſters of holy Church for money taken for redemption of corporall penance, nor for proofe, and accompt of Teſtaments, nor for ſolemnitie of Mariage, *&c.* ſhould not be impeached, *&c.* before the Kings Juſtices; nevertheleſſe the ſame king, in the ſame yeare, with aſſent of the Earls, Barons, and other wiſe men of the Realme, and without aſſent of Prelates, revoked and adnulled the ſame articles againe.

31 Ed. 5 ſta. of heering.

36 Ed. 3. c. 6 8 Ed. 3. 3. ſtatute of proviſours.

The king with the aſſent of the nobles and commons, may repeale ſtatutes without conſent of prelates. 25 Ed 3.

Again king *Richard* the ſecond hearing the complaints of his faithfull leige people, and by their clamour in divers parliaments of divers abuſes

abuſes crept in againſt the ſolemne, and devout ordinations of Churches, &c. at the requeſt, and complaint of the commons, by the advice and commonaſſent of the Lords temporall (without mention of any Lords ſpirituall) is ſaid to have ordained, That none of the kings liege people, &c. ſhould take or receive within the Realm of England, any procuracie, &c. And in the eleventh yeare of the ſame kings raign, it is eſpecially provided, that the appeals, purſuits, &c. made and given in the ſame parliament, be approved, affirmed, and eſtabliſhed, as a thing duely made, for the weale and profit of the king, and of all the realm, notwithſtanding that the Lords ſpirituall, and their procurators, did by proteſtation, abſent them out of the Parliament, at the time of the ſaid judgement given. And the like proteſtation being made by the Prelates and Clergie, at a Parliament, holden the third yeare of the ſame king, it was replyed for the king, that neither for their ſaid proteſtation, or other words in that behalfe, the king would not ſtay to grant to his Juſtices in that caſe, and all other caſes, as was uſed to be done in times paſt, and as he was bound, by vertue of his oath at his coronation. By all which premiſes it is as cleare, as the Sun ſhining at noon day, that the Lords ſpirituall be ſo farre from making any one of the three Eſtates, as that (if it pleaſe the king) they may not bee ſo much as any member, or part of any of the three Eſtates at all. If in the time of king *Henry* the eight the Lords ſpirituall (being then more in number than the Lords temporall) had beene but ſuch principall members of the high eſtate of Parliament, as without whom, neither law could have beene made, Monaſterie nor Priorie might have beene diſſolved; what could the king have done as head, and the Commons have done as feet, and the Nobles have done as the heart, the Liver and the Longs, to the diſſlording and diſcloyſtering of the Abbots, and Priors, the Monkes and the Friers of thoſe dayes. In caſe the Prelates with their armes, and with their ſhoulders, with their hands, and with their bornes, had heaved, and ſhoved, and puſhed, and thruſted to the contrary. But to come nearer unto our owne times, and remembrances, if it cannot be proved, that above one Lord ſpirituall was preſent in parliament, and gave any aſſent to the enacting of ſtatutes, made in the firſt yeare of the Queenes Majeſties raigne deceaſed, but that it bee a cleare caſe, that the ancient juriſdiction, preeminences, rights, and priviledges of the kings Crowne, were reſtored, that poperie and ſuperſtition was baniſhed, and the doctrine of the holy Goſpell harboured only by the Queene, the Lords temporall and commons, what more plaine evidence or better proofe can there be, that the Lords ſpirituall by any neceſſitie be neither principalls nor acceſſaries, neither branches

3 R. 2 c. 3. 7 R. 2 c. 12.

Act. & Mo. R. 4.

The king bound by his oath, to do his laws to be made though prelates proteſt againſt him.

The Lords ſpiritual no principall members of the parliament otherwiſe than as the King pleaſeth.

No Lords ſpirituall preſent in parliament 1 El.

ches nor buds, nor any eſſentiall member of the houſe of Parliament. And of this opinion are the ſoundeſt Hiſtorians, and ſincereſt Divines of our age.

In the fifteenth yeare of King *Edward* the third (ſaith Maſter *Fox*) divers petitions being put up in Parliament againſt proviſions comming from *Rome*, the Kings anſwer and agreement was made in form following: *viz.* It is agreed by the Kings, Earles, Barons, Juſtices, and other wiſe men of the Realme, That the petitions aforeſaid, bee made in ſufficient forme of law. Where it is to be noted (ſaith hee) that at the grant hereof, the conſent of the Biſhops is neither named nor expreſſed, with the Lords of Parliament, and yet the Parliament ſtandeth in his full force notwithſtanding. At an other Parliament (ſaith he) *William Wicham*, Biſhop of *Wincheſter*, for a ſlanderous report ſavouring of a contumelious lye, and proceeding of a ſubtile zeale, meaning falſhood, was ſo by the Duke of *Lancaſter* purſued, that by act of Parliament he was condemned, and deprived of all his temporall goods. And this ſeemeth to have beene done (ſaith Maſter *Fox*) without aſſent, and againſt the wills of the Lords ſpirituall; for afterward at an other Parliament, great ſuite was made by the Clergie, for deliverance of the ſaid Biſhop: and being asked a ſubſidie in the Kings behalfe, with great lamentation they complained, for lacke of their fellow and brother of *Wincheſter*, and denyed to joyne themſelves in any tractation of any ſuch matter. And in another Parliament holden at *Yorke*, in the ſixth yeare of King *Edward* the third, all ſuch lawes, as then paſſed, and were concluded by the King, Barons, and Commons, were good, notwithſtanding the abſence, or malice of the Lords Spirituall. For it is recorded (ſaith he) that onely the Archbiſhop of *Yorke*, the Biſhop of *Lincolne*, and the Abbots of *Yorke* and *Silby* were there preſent.

Act. & Mo. fol. 320.

Act. & Mo. 525.

Act. & Mo. 519.

In a booke intitule d the burning of Pauls Church in *London*, 1561. and in the fift queſtion moved by a papiſt, it is ſaid, *that this manner of miniſtration of Sacraments, ſet forth in the booke of Common prayers, was never allowed, nor agreed upon, &c.* no not by the Clergie of England, at the laſt Parliament, but only it was agreed upon by the Laitie which had nothing a doe with ſpirituall matters, or cauſes of religion. Whereunto the reverend Father Maſter *Pilkington* Biſhop of *Dureſme* anſwering: was there not (ſaith he) a diſputation for Religion, appointed by the Queenes Majeſtie, wherein your Clergie was affraid to utter their fooliſhneſſe, in defending their ſuperſtition, leſt they had taken more ſhame in anſwering, than they did in holding their peace? I thinke the Vniverſities with ſo many places of this

M. Pilkington Biſhop of Duriſme.

Realme

Realme, receiving religion, and these other disputing for it, may bee counted to be some part of the clergie of the Realme. And so it was not received without consent of the Clergie: But these were not of the Parliament, What then? But as *Ioash*, *Iosaphat*, *Ezechias*, and *Iosias*, did not make a new Religion, but restored that which was defaced and had long lyen buried, so our Parliament, did not set forth a new religion, but restore that, which was godly begun before the good K. *Edward*, confirmed by the Parliament, and Clergie then, &c. But nothing can bee concluded, as a law by Parliament, (say they) without consent of the Clergie there present. But this having not their consent, cannot be counted a law, as they think. I had rather (saith M. *Pilkington*) leave this to be answered by the Lawyers, than otherwise. Yet that the world may see, that something may be said in it, we grant him not this to be true, that no law at all can be made without consent of Bishops. Look your old statutes of Parliament, when Bishops were highest, afore *Edward* the third, and ye shall read, that they passed by consent of the Lords temporall, and commons, without any mention of the Lords spirituall, which statutes, many of them stand in strength at this day. Then it may well be gathered, that the consent of the Clergie, was not alwayes so necessarie as they thinke it. The Lawyers, Judges, and Justicers put in practice and execute these lawes, therefore their doings, may be a sufficient reason, to lead the unlearned, what opinion they have of this statutes. For Religion (except Justice *Rastall*) first executing that, and afterward running away, may condemne the rest, which I trust he may not; I thinke they would not execute them, except they had the strength and nature of lawes. If they doe contrary to their knowledge and opinion, they cannot be able to answer their doings, but I think no wise men are of this opinion. Only these corner creepers, that dare not shew their face, and would deceive the people, go about to deface all good and godly order, that displeases them. In the dayes of K. *Edward*, they had the like fond opinion, that the king could not make lawes in his minoritie, untill he came unto full age, and to make the people to disobey their Prince. Hitherto M. *Pilkington* L. Bishop of *Duresme*; with whom the most worthy and learned M. *Jewell*, late Bishop of *Salisburie* agreeth in every point. M. Iewel B. of Salisburie.

The wise and learned (saith hee) could have told you, that in the Parliaments of England, matters have evermore used to passe, not of necessitie by the speciall consent of the Archbishops and Bishops, as if without them no statute might lawfully be enacted, but only by the more part of voyces, yea although the Archbishops and Bishops were

never ſo earneſtly bent againſt it. And ſtatutes ſo paſſing in Parliaments, onely by the voyces of the Lords temporall, without the conſent and agreement of the Lords ſpirituall, have nevertheleſſe beene alwayes confirmed, and ratified by the Royall aſſent of the Prince, and have beene enacted and publiſhed, under the names of the Lords ſpirituall and temporall. Reade (ſaith hee) the ſtatutes of King *Edward* the firſt, there ſhall ye find, that in a Parliament holden at S. *Edmundſbury*, the Archb. and Biſhops were quite ſhut forth, and yet the Parliament held on and good, and profitable lawes were there enacted, the departing, or abſence, or malice of the Biſhops ſpirituall notwithſtanding. In the Records thereof it is written thus: *Habito Rex cum ſuis Baronibus Parliamento, & Clero excluſo ſtatutum eſt.* The King keeping a Parliament, with his Barons, the Clergie, that is to ſay, the Archbiſhops and Biſhops being ſhut forth, it was enacted, *&c. In proviſione de matrona* in the time of K. *Edward* the third, whereas matter was moved of baſtardie, touching the legitimation of baſtards, borne before mariage, the ſtatute paſſed wholly, with the Lords temporall, whether the Lords ſpirituall would or no, and that contrary to the expreſſe decrees and canons of the Church of Rome. And thus much the moſt reverend and godly Father M. *Iewell* Biſhop of *Salisbury*. Wherefore to conlude this point againſt the Admonitors poſition, I diſpute thus:

All thoſe perſons, who by any neceſſitie, are none of the three eſtates, and by whoſe authorities, the Statutes of England, to this day, have not ſtood, to leave out the ſame perſons, may happily ſeem a matter of leſſe weight, than all men do judge it:

But the Archbiſhops and Biſhops, are ſuch perſons, as by neceſſitie are none of the three eſtates, and by whoſe conſents, the ſtatutes of England to this day, have not ſtood,

Therefore to leave out the Archbiſhops and Biſhops may happily ſeem a matter of leſſe weight than all men doe judge it.

If our Evangelicall Biſhops be of that opinion, of which the Popiſh Biſhops were, *viz.* that the houſe of Parliament is an unfit, and an unmeet place, to have the holy cauſe of the religion of God debated and concluded upon, and that the Laitie without the clergie ought not to conclude any thing in Religion, and that in reſpect hereof, their preſences, their voices, and their aſſents are neceſſary in the Parliament: If our Evangelicall Prelates (I ſay) make this objection: then beſides that hereby they unſeemely, unmannerly, and unchriſtianly, accuſe the whole land of ignorance and blindneſſe in religion, ſuppoſing neither King, nor Nobles, nor Commons, to be able to diſcern

between

betweene night and day, beſides this (I ſay) ſo ſhamefull an abuſe, of a whole Chriſtian nation, I would pray them to remember what the moſt reverend Fathers, Maſter *Pilkington* and Maſter *Iewell* have anſwered, to ſuch cavillous ſlanders. For what elſe intended they by many examples, and proofes brought for the Parliaments of England, conſiſting of the King, the Nobles, and the Commons, to be lawfull Parliaments, and to have right to eſtabliſh religion, but to juſtifie againſt Popiſh ſcoffers, that religion might be conceived, and eſtabliſhed in Parliament, notwithſtanding the abſence or excluſion of the Clergie? Beſides, ſince our lawes doe uphold the ſtate and authoritie of the Convocation houſe, for the examination of all cauſes of Religion, ſurely it cannot be truly averred, that it is neceſſarie for Evangelicall Biſhops, to be members of the Parliamenthouſe, leſt controverſie of Religion ſhould bee handled, and diſcuſſed without them. For how ſhould any matter of religion bee concluded without them in Parliament, when firſt of all, the ſame is to be argued among themſelves in convocation? Or let them hardly (if they can) ſhew any one inſtance of any change, or alteration, either from religion to ſuperſtition, or from ſuperſtition to religion, to have beene made in Parliament, unleſſe the ſame freely and at large, have beene firſt agreed upon in their Synodes and Convocations? And what booteth it, then, to have a double or treble conſultation, and conſent of Archbiſhops and Biſhops in parliament? Is the holy cauſe of God, any whit bettered, by their Biſhops riding from *Pauls* to *Weſtminſter*? Or can it receive any more ſtrength, by their walking from *Weſtminſter* Church, to *Weſtminſter* palace? Nay it hath beene often times ſo farre from being promoted by their biſhops, as not only in their convocations, but alſo in the Queenes parliaments, the ſame thing hath beene ſhamefully intreated, and taken the foyle, as may witneſſe the bill for the better obſervation of the Sabboth, 27. *Eliz.* which being paſſed by both houſes of parliament, was notwithſtanding gainſaid and withſtood, by none ſo much as by certaine Evangelicall biſhops, and which (as there all men generally conceived) was only ſtayed from being made a law, by the Queene, upon their counſell, and perſwaſion.

Matters of religion not concluded in parliament, before the ſame bee conſulted of in convocation.

ADMONITION. Pag. 2.

It hath beene alwayes dangerous to picke quarrels againſt lawes ſetled.

And is it not *morbus hereditarius* in Prelates to pick quarrels againſt reformation of errours? For even this did *Stephen Gardener* reaſon againſt the Lord Protector,

Stephen Gardeners argument, and the admonitors argument in effect one.

That in no caſe (ſaith Stephen Gardener*) is to be attempted, of the Lord Protector, which may bring both danger to him, and trouble to the whole Realme:*

But innovation of Religion, from that ſtate wherein K. Henry *left it, may be and is like to be dangerous, to the Lord Protector, and to breed troubles to the whole Realme:*

Therefore innovation of Religion from the ſtate that K. Henry *left it, is in no wiſe to be attempted.*

And even of this ſtamp, and of this ſtreyne is the argument of pickking quarrels againſt laws ſetled, or thus in effect he argueth:

That Diſcipline in no caſe is to bee brought into the Church by the King and Parliament, which may be dangerous to lawes ſetled:

But to bring into the Church the Apoſtolicall diſcipline, may be dangerous to lawes ſetled.

Therefore the Apoſtolicall Diſcipline, in no caſe is to be brought into the Church by the King and Parliament.

But foraſmuch as that noble and religious Lord Protector (notwithſtanding *Stephen Gardeners* ſophiſtry) continued conſtant, and couragious in the aboliſhment of popery and ſuperſtition which king *Henry* left, and did without dangerous alteration of laws then ſetled, innovate religion: How much more now may the Kings Majeſtie, the Lords and Commons in Parliament, attempt with effect, an innovation of that ſtate of Eccleſiaſticall government, wherein the Queene left the Church? And if it cannot be denyed, but it had beene far more dangerous for the Realm, and for the Lord Protecter, not to have ſetled the holy doctrine, or the everlaſting Goſpell, by new lawes, than to have maintained, and continued antichriſtianitie by old lawes: how ſhould it be leſſe danger, for the king in theſe dayes to continue corruptions in the Church, by toleration of old lawes, than to have the ſame corruptions reformed by eſtabliſhment of new lawes? But unto whom, or unto what, hath it beene dangerous, to pick quarrells againſt lawes ſetled? Wha, hath it beene dangerous to lawes ſetled? No. For how ſhould lawes ſetled be indangered by quarrelers? ſithence quarrellers are evermore in danger of lawes ſetled. Or hath it beene alwayes dangerous for a king, for a

Leſſe danger to reforme the Church by new lawes, than to continue corruption by old lawes

State,

State, for a people, or for a Countrey, to pick quarrels againſt lawes ſetled? No. For what man is he, or what face carrieth he, that dare upbraid a countrey, a people, a State or a King, minding to unſettle evill lawes, and evill cuſtomes, to be quarrellers againſt lawes ſetled? Let it then only be dangerous for private perſons, upon private male-contentment, to pick quarrels againſt good lawes, well, and rightly ſetled; and let it not be hurtfull or dangerous for ſupreme Kings, powers, and principalities, by publike edicts, to alter evill lawes, evilly ſetled. For to what other end ſhould evill lawes evilly ſetled, be continued, but to continue evill? And what a thing were that? This argument then for lawes ſetled, being the ſophiſme of that Fox *Stephen Gardener*, is but a quarrelſome, and wrangling argument.

ADMONITION.

If this government whereof they ſpeake, be (as they ſay) neceſſary in all places, then muſt they have of neceſsitie, in every particular pariſh, one Paſtor, a company of Seniors, and a Deacon, or two, at the leaſt, and all thoſe to be found of the pariſh, becauſe they muſt leave their occupations to attend upon the matters of the Church. But there are a number of Pariſhes in England, not able to finde one tolerable Miniſter, much leſſe to finde ſuch a company. Pag. 78.

ASSERTION.

This argument ſeemeth to be drawne from kitchin profit, and is but a bugbegger to ſcarre covetous men from ſubmitting their necks unto the yoke of that holy diſcipline, which our Saviour Chriſt hath preſcribed, and which the Admonitor himſelfe confeſſeth, to have beene practiſed by the Apoſtles, and primitive Church. And yet becauſe this argument ſeemeth to lay a very heavie burden on mens ſhoulders, ſuch as is impoſſible to be borne, it is an argument worthy to be examined, though in it ſelf, the ſame be very untrue and abſurd. For who did ever fancy that a Paſtor, a company of Seniours, and a Deacon or two at the leaſt, ſhould be men of occupations, or that they ſhould be all found of the pariſh, becauſe they muſt leave their occupations, to attend upon the matters of the Church? Why? there be many hundreds of pariſhes in England, wherein there dwelleth not one man of an occupation. And what reaſon then, or what likely-

That ſeniours and Deacons ſhould bee found at the charge of the Pariſh is abſurd.

hood of reaſon was there, to father ſuch an abſurd neceſſitie upon the Church? As for the neceſſitie of having one Paſtour in every partiſh pariſh, and of his finding by the pariſh, becauſe it is his duety, to attend upon reading, exhortation, and doctrine, although he bee no man of occupation, this (I ſay) is agreeable and conſonant, to the government of the Church practiſed by the biſhops. And therefore in the finding, and having of one paſtour in every pariſh, they, and wee differ not. But that men of occupations only ſhould be choſen Seniors and Deacons in every pariſh; or if Seniours and Deacons, were men of occupations in any pariſh, that they ſhould be all found of the pariſh, wee utterly diſclaime as an abſurditie of abſurdities. And yet wee deny not, but in Cities and great townes wherein for the moſt part, men of trade, doe inhabit, that Seniours and Deacons muſt of neceſſitie be men of occupations. Vnleſſe then an occupation muſt of neceſſitie hinder men, from being faithfull, religious, and godly men, there is no reaſon to inforce, that men of occupations in cities and great towns, ſhould not be choſen Seniours and Deacons. And as for Countrey pariſhes, wherein very few, or no men of occupations doe reſide, this obiection is altogether idle. In which pariſhes alſo we affirm, that men of greateſt gravitie, integrity, wiſedome, faith and godlineſſe, ought to be choſen Seniours, and Deacons. And wee doubt not, but all ſuch men as whom we intend, ought to bee choſen Seniours and Deacons, whether dwelling in Cities and Townes, or in the Countrey, would be as ready, as willing, and as watchfull, prudently to imploy themſelves hereafter, in matters of the Church, as now either themſelves, or their equals, are buſied in matters of their corporations, or common weal, without any manner of contribution, to be yeelded towards their finding.

What kind of men ought to be choſen ſeniours and Deacons.

When the people of Iſrael were commanded to pay their tythes, firſt fruites, and other oblations unto the Prieſts, and Levites, for their attendance and ſervice in the Sanctuary, we do not read in the whole book of God, that they were injoyned to be helpers and contributers to the reliefe and ſuſtentation of the Captaines over thouſands, of the Captaines over hundreds, nor of the Elders and governours, placed citie by citie, for the affaires of the King. And therefore ſithence wee have neither precept nor preſident, that all the officers of the Church ſhould be found at the coſts of the Church; and ſithence alſo as well in Countrey pariſhes, as in Cities, and townes, (to the praiſe and glory of God be it ſpoken) wee have many able, wealthy, and ſubſtantiall perſons, who have given their names unto Chriſt, what neceſſitie is there that any ſuch Seniours and Deacons ſhould bee elected,

as

as have need to be relieved, and ſupported by a common purſe? And had the Admonitor well and adviſedly pondered, that our Churchwardens, and Sidemen (who carry a ſemblance of governing Seniours) that our Collectors alſo for the poore (who juſtle out the Deacons) being all of them men of occupations, poore husbandmen, or day labourers, and being not found of the pariſh, are notwithſtanding oftentimes in the yeare, troubled and turmoyled, from one end of the Dioceſſe unto the other, and that which is more, from attendance upon their day labour, husbandry and occupations, to wait, and to attend, not upon matters of the Church, but upon money matters, pertaining to the officers of the Biſhops conſiſtorie, Had he (I ſay) wiſely and ſincerely conſidered theſe things, he would certainly not once have mentioned this ſo ſilly and ſimple a ſuggeſtion. But quite and cleane to cut off at one blow all the skirts of the coate of this ſilly bulbegger, that the very buttocks of it may be bare, and that the Church may ſee, there is no ſuch burthenſome Charge, to be laid upon her, as is fained; the grave and godly judgement, and policie of King *Edward* the ſixth his Commiſſioners, authorized to compile a booke, for the reformation of lawes Eccleſiaſticall, according to an act of Parliament, in that behalfe provided, ſhall riſe up for us and plead the truth and equitie of this our ſayings. The commiſſioners names were theſe: *viz.* The moſt reverend Father *Thomas Cranmer*, Archbiſhop of Canterbury. *Thomas*, Biſhop of Ely. *Richard Cox*, the Kings Almoner: *Peter Martyr*, profeſſor of Divinitie. *William May*, *Rowland Taylor*, Doctor of the Law, Sir *John Cheeke*, *John Lucas*, *Richard Godericke*, M. *Hadon*, and others. All which reverend, learned, and religious men, as with one voice and accord ſpeake one thing: ſo thus and thus they ſpeake: Evening prayer being finiſhed, whereunto all ſhall be attendant, after ſermon in their owne Churches, the chiefe Miniſter whom they call parochies, and the Deacon, if happily they ſhall be preſent, or they being abſent, let the Miniſters, Vicars and Elders, (ſo the Archbiſhop of *Canterbury*, afterwards a godly Martyr, and Biſhops can skil of the name of Deacon and Elders) with the people confer about the money put apart to godly uſes, how the ſame may be beſt imployed; And let the Diſcipline (ſo theſe ſage Counſellers were all Diſciplinarians) be reſerved untill that time. For they whoſe frowardnes hath been publike, and tending to the common offence of the Church, let ſuch be recalled to the acknowledgement of their faults, and let them publikely for the ſame bee cenſured, that the Church by their wholeſom coertion, may be brought in good frame. Afterward let the Miniſter going a part, with ſome of the Elders,

Churchwardens and Sidemen are not found at the charges of the pariſhes

The judgment of K. Ed. 6. commiſſioners touching Elders and Deacons.

Titul de divinis officiis c. 10. f. 45.

Elders, take counſell, how the others (whoſe manners are ſaid to be lewd, and whoſe life is ſaid to be full of miſchiefe) may firſt according to the commandement of Chriſt in the Goſpell, come together, and be communed with, by ſober and diſcreet men, and with a certaine kinde of brotherly love. By whoſe admonition if they ſhall reforme themſelves, thankes are diligently to bee given unto God. But if they ſhall proceed forth in their wickedneſſe, they are to bee bound with that ſharpe paine, which by the Goſpell wee know to bee prepared for contumacie. And when the force and vehemency of excommunication ſhall bee ſhaken, firſt let the Biſhop be ſought unto, who if hee ſhall conſent, and oppoſe his authoritie, let the forme of excommunication bee diſpatched, before the whole Church, that we may bring in as much as may be the ancient Diſcipline.

Thus much have theſe moſt Chriſtian Diſciplinarians, and renewers of the ancient Diſcipline, by Paſtours, Elders, and Deacons both written and ſpoken. And yet have they ſounded never a word, to the finding of Elders and Deacons by the Pariſh, nor by having men of occupations to leave their buſineſſe, to attend upon matters of the Church. For men thus meeting together once only in the week, and that upon the Lords day, and that only within their own pariſhes and without payment of any fees, may very wel notwithſtanding theſe attendances, give themſelves wholly all the weeke following, to their ordinary vocations. And therefore againſt his *not able to finde one tolerable Miniſter, much leſſe to finde a Companie, &c.* I conclude thus:

No Pariſh in England ſhall be burdened to find ſo much as one Seniour or Deacon:

Therefore much leſſe ſhall every Pariſh be burdened to find a company of Seniours, &c,

Tolerable and intolerable Miniſters.

Where the Admonitor complaineth, that many pariſhes are not able to finde one tolerable Miniſter, we would gladly learne, by what brand tolerable Miniſters, are knowne from intolerable Miniſters, according as the Lords ſpirituall judge, or judge not, of tolerable, and untolerable Miniſters. For if all reading Miniſters (as needes with them they muſt bee) or elſe why doe they tolerate them, bee tolerable Miniſteres, what a vaine and idle diſtinction, hath hee coyned touching the ſcarcitie of maintenance, for tolerable Miniſters? Conſidering all Miniſters by intendment of law, bee able to reade: and conſidering alſo a very ſmall maintenance, is eſteemed to bee a tolerable maintenance, for reading Miniſters. For elſe why doe the great

great Biſhops, in their great Churches of Commendams, and the rich Doctors in their rich Churches of non reſidencies, make ſo ſmall allowances to their reading and ſtipendarie Curates? And where then is that pariſh in England, that is not able to maintaine a tolerable Miniſter?

ADMONITION.

The next Argument, that the people might not chooſe their Paſtours, Elders and Deacons, as is required, is drawne partly from a feare, that the ſame will be a matter of ſchiſme, diſcord, and diſſention in many places: partly from affection and want of right judgement of the people, partly from the unruline ſſe of the Pariſhes, and partly from the broyle and trouble which may follow. Pag. 78.

ASSERTION.

Vnto this objection if I ſhould anſwer nothing at all, but only ſhould deny, that any feare, or any other inconvenience at all, pretended in this place, is to be feared to enſue, my ſimple negation were more to be tolerated than his ſimple affirmation, for by the canon Law, *non inficienti, ſed ponenti, incumbit onus probandi.* And yet becauſe the Lord hath ſpoken unto *Ioſua*, and in him unto us all; that wee ſhould not feare, nor be diſcouraged to obſerve, and to doe all, that is written in the law, for then (ſaith the Lord) ſhalt thou make thy way proſperous, and then ſhalt thou have good ſucceſſe, therefore in the word of the Lord (I ſay) that none of all this feare, broyle, trouble, or turmoyle, is to be feared at all. Nay that it is moſt aſſuredly, and without all doubt, to be hoped and looked for, that he would ſo bleſſe the attempt of putting this order in execution, as that the peoples approbation, and allowance of their Miniſters, ſhould be a matter of all peace, quietneſſe, unitie, concord, good ſucceſſe and proſperitie to the whole Church of God in England.

The objection of feare &c. anſwered.

Doct in c. ſi cui de preb. l. 2.

For what an heatheniſh incredulitie, were it for us to reply upon the erroneous conceit of a timorous, and ſuſpicious fancy, that feare, and I wot not what unrulineſſe, and unquietneſſe ſhall follow, when wee (receiving the lawes of peace from the Prince of peace) have his moſt ſtable truth, that his peace ſhall reſt upon us, and that all feare and evill ſucceſſe ſhall ceaſe and vaniſh away. No buſie headed body therefore, ſhall be able to leade any man away, to diſquiet either

Church or common wealth, (otherwiſe than as the Church in all ages by the malice of Satan and his inſtruments, hath evermore beene diſquieted) if once the holy law of the Goſpell touching this point were obſerved and put in ure. And if it be feared, that the choice to be made by the people of God, and which is allowed unto them by the holy laws of God would prove to be a matter of ſchiſme, diſcord, and diſſention, how much more reaſon have we to feare, that the fire of ſchiſme, diſcord, and diſſention, being blowen already, ſhould not breake out and flame among us, if ſtill one man alone, be ſuffered to thruſt upon the people of God, not tolerable Miniſters, according to Gods heart, but intolerable Miniſters, according to mans tradition. The Admonitor hath inſinuated unto us often in his Admonition, that it is dangerous to innovate. And ſo I ſay too, unleſſe there be evident utilitie of innovation. For (ſaith the Emperour) *in rebus novis conſtituendis evidens eſſe utilitas debet, ut ab eo jure recedatur, quod diu æquum viſum eſt.* But is it not as perillous, yea ſometimes much more perillous not to innovate? for proof whereof, it ſhall ſuffice, to take witneſſe of our owne times, and of our owne experiences. It ſeemed equall a long time, and for many yeares, that the Sacrifice of the Maſſe, with all the pelf and trumperie thereof, ſhould not once be ſpoken againſt. But we all know, that the abandoning thereof, hath not yet brought any perillous ſubverſion, upon any nation, that purely and ſoundly in place thereof, hath embraced the holy ſacrament of the Lords Supper. It ſeemeth alſo to be equall for many ages paſt that the Biſhop of *Rome* might have ſupreme and abſolute power over all perſons, ſtates, and cauſes, not onely in *Rome*, *Italy*, *Spaine*, *Germany*, and other forraigne kingdomes, but alſo in *England* and *Scotland*. But as yet to the view of all the world, it hath not proved perillous for the King and Queene of *England* and *Scotland*, to eſtabliſh new laws, for the alteration of that ancient abuſe. And why hath it not been dangerous ſo to do? Why? forſooth becauſe there was evident utility in doing of it. But how could an evident utilitie appeare before it was done? How? Forſooth becauſe the holy law of God had warranted an alteration. For faith having eyes to ſee the wiſedome, the power, and the truth of God in his word, diſcerned a far off that the inſtitution of the Lords Supper, was long before the ſacrifice of the maſſe. And therefore our Kings by abandoning poperie out of the Realme, did not inſtitute any new religion, but onely they reſtored the old. Now' then if a ſame holy law of God, do condemn the choice, and thruſting of the paſtour upon the people by one man alone, and again if the ſame Law, doe impugne the primacie of one paſtour over all Paſtours,

Lib. de conſtitut. prim. L. 2.

Dangerous to innovate unleſſe ther be evident utilitie of innovation.

Paſtours, as well in a Dioceſſe, or Province, as in the whole Weſt part of Chriſtendome, what danger can it be, not to diſfranchiſe the one, ſithence without any manner of danger, we have aboliſhed the other? or what perill can it be, not to countenance the ſonnes, ſithence without perill we have diſcountenanced the father? Eſpecially ſeeing in this place of the admonition wee have a plaine confeſſion, that the common manner of election of Paſtors, Elders, and Deacons in the old Churches was made by the people. For if the examples of ſchiſm, diſcord and contention, did commonly appeare in the old Churches, while that manner of election did continue, then by his owne mouth that manner of election was common, and did continue in the old Churches. Beſides, this inconvenience (ſaith he) cauſed Princes and Bishops ſo much to intermeddle in this matter. Frow whence it neceſſarily againe followeth, that by the holy Scriptures, and law of God, Princes and Bishops, did not entermeddle with that matter atal. For had it been ſimply lawfull for them, to have dealt in thoſe cauſes by the word of God, then aſwell before ſchiſme, diſcord, and diſſention, as afterward, yea rather much more before than afterward. For then by their owne right, might Princes and Bishops have prevented all occaſion of ſchiſm and contention, and have ſo preſerved the Church, that no tumult, or diſorder, should once have beene raiſed or begun therein. Againe if by the law of God, Princes and Bishops, had medled in theſe matters, and had not intermedled by humane device, then lawfully by their authoritie alone, might they have choſen Paſtors, Elders and Deacons in the old Churches: which thing in this place by neceſſary inference he denieth. For ſchiſme (ſaith he) cauſed them to intermeddle. So as by his confeſſion, they were but intermedlers, and entercommoners, by reaſon of ſchiſme, and not commoners, and medlers by vertue of Gods word. And yet now a dayes our reverend Bishops in this caſe, are no more intercommoners, with Princes and with the people, they are no more entermedlers as in old times they were; but they have now ſo far incroached upon the prerogatives of the prince, and privileges of the people, that neither prince nor people, have any commons in the election of Paſtors, Elders and Deacons with them at all. Beſides if ſchiſm, and contention among the people were the reaſon, why Bishops firſt entermedled in the choice of Paſtours, we now having no ſchiſme nor contention about the choice of Paſtours, by the people, and ſo the cauſe of ceaſing, why should not the effect likewiſe ceaſe? But this effect, is therefore ſtill to bee continued, becauſe otherwiſe the cauſe would a new ſprout out, and ſpring up againe. Nay rather inaſmuch, as for theſe many yeares, we

Common manner of elections in the old churches was by the people.

Biſhops n eddle not with electi-on of Paſtors by the holy Scriptures.

Biſhops incroach upon the right of prince and people.

have had ſchiſm, diſcord and diſſention, becauſe the biſhops wholly and altogether have medled in the choiſe of paſtours, and have thruſt upon the people, whatſoever paſtours pleaſe not the people, but pleaſed themſelves, and have not ſuffered the people to meddle, no not ſo much as once to intermeddle in theſe matters; in as much (I ſay) as theſe things be ſo: it ſeemeth moſt expedient, requiſite, and neceſſary, for the appeaſing, and pacifying of this diſcord, and the taking away of this ſchiſm, to have the manner of election, which was in the old Churches, reſtored to the people; and this wherein the biſhops have intermedled, without authoritie from the word, to be aboliſhed: that ſo againe the cauſe of ſchiſm and ſtrife, which is now among us ceaſing, the effect might likewiſe ceaſe.

After I had ended this tract, in this manner, touching this point, there came into mine hands a booke intituled, *The perpetuall government of Chriſts Church*, written by *Thomas Biſon*, Warden of *Winchester* Colledge: in the fifteenth chapter of which booke is handled this queſtion, *viz.* to whom the election of Biſhops and Presbyters doth rightly belong, and whether by Gods law the people muſt elect their paſtours or no. In which chapter alſo the matter of ſchiſm, ſtrife and contention is handled. The finall ſcope and concluſion whereof, as the propoſition importeth, twofold: Firſt, concerning Biſhops, then concerning Paſtours. *The quarrell taken againſt Biſhops doth not ſo much touch* (ſaith hee) *the office and functions of Biſhops, as it doth the Princes prerogative. When you rather thinke the Prince may not name her Biſhops, without the conſent and election of the people, you impugne not us, but directly call the Princes fact, and her lawes in queſtion.* As touching this point of the propoſition, becauſe the people by any law, or cuſtome, never challenged any right, or intereſt, in the choiſe of the Kings biſhops, wee have nothing to meddle or to make about the choiſe, of any of the Kings Biſhops. Nay we confeſſe, as his highneſſe progenitors Kings of England have beene the Soveraigne Donours, Founders, Lords and Avowes of all the Biſhopricks in England without aid of the people; that ſo likewiſe it is a right, and intereſt inveſted into his Imperiall crowne, that he only, his heires and ſucceſſors, without conſent of the people, ought to have the free nomination, appointment, collation, inveſtiture, confirmation of all the Biſhops from time to time, to be planted in any of thoſe Biſhoprickes; yea, and wee ſay further, that the King alone, hath not power onely to nominate, collate and confirm, but alſo to tranſlate, yea and if it pleaſe him to depoſe all his Kingly Biſhops without any conſent of his people at all. For (ſay we)

The King only hath power without the people to nominate his Kingly Bb.

ejus eſt deſtruere, cujus eſt conſtruere, ejus eſt tollere, cujus eſt condere: Neither will we diſlike, but rather content our ſelves, that our late Queens Biſhops (if they ſhall finde favour in the Kings eyes) ſhould be alſo the Kings Biſhops, conditionally they ſubmit themſelves to the lawes, and prerogatives of the Kings Crowne, content themſelves with the only name of Kingly and Princely Biſhops, and not challenge any more unto themſelves the ſole titles of *Godly* and *Chriſtian Biſhops*, as though without injurie to the law of God, and Goſpell of our Saviour Chriſt, they could not bee diſpoſſeſſed of their Lordly Biſhoprieks. And therefore our moſt humble prayer to the King is, that his Majeſtie would bee pleaſed, that ſuch his Kingly Biſhops may not henceforth overcrow, and juſtle out Gods Biſhops: nor have any primacie over Gods Biſhops. And withall, that the King himſelfe would vouchſafe, to hearken to the doctrine of ſuch as are indeed Gods Biſhops, rather than to the Counſell of thoſe who lately were the Queenes biſhops.

M. Bilſon confirmeth the peoples election of their paſtor P. 339.

As touching the ſecond part, *viz.* whether the people by Gods law, muſt elect their Paſtours, or no; Maſter *Bilſon* by reaſons, and proofes brought for the firſt uſe of it, rather confirmeth than impugneth the ſame. For (ſaith hee) *Well may the peoples intereſt ſtand upon the grounds of reaſon and nature, and bee derived from the rules of Chriſtian equitie and ſocietie: That each Church and people ſtand free by Gods law, to admit, maintaine, or obey no ma, as their Paſtour without their liking, unleſſe by law, cuſtome, or conſent, they have reſtrained themſelves: Then the people had as much right to chooſe their* 360. *Paſtour, as the Clergie that had more skill to judge: that the Apoſtles left elections indifferent to the people and Clergie at* Jeruſalem, *That the Apoſtles in the Acts, when they willed the Church at* Jeruſalem *to chooſe the ſeven, did not make any remembrance or diſtinction of the ſeaventie Diſciples from the reſt: And laſtly, againſt the curſing, and fighting of the late Biſhops of* Rome, *till excluding both* 359. *Prince and people, from yeelding his conſent, or making their requeſt they had reduced the election wholly to the clergie, hee telleth them by* 339. *their leave, it was not ſo from the beginning.* From all which ſayings of Maſter *Bilſon* I conclude thus:

Whatſoever is right, lawfull, and free by the law of God: whatſoever ſtandeth upon the grounds of reaſon and nature: Whatſoever is derived from chriſtian equitie and ſocietie: whatſoever is from the beginning, and was left by the Apoſtles to the church at Ieruſalem, the ſame ought ſtill to remain, and muſt be kept inviolable in the church.

But

But the peoples intereſt to chooſe their Paſtor, is right; is lawfull; is free by the law of God; ſtandeth upon the grounds of reaſon and nature; is derived from Chriſtian equitie and ſocietie, is from the beginning, and was left by the Apoſtles to the Church at Ieruſalem: Therefore the peoples intereſt to chooſe their Paſtour ought ſtill to remaine, and muſt be kept inviolable in the Church.

The whole propoſition and every part thereof, together with the aſſumpt, and every part thereof, is drawne from M. *Bilſons* owne confeſſion. Only to the propoſition hee hath annexed certaine conditions or exceptions, *viz.* Vnleſſe by law, cuſtome, or conſent, the people have reſtrained themſelves, or transferred or altered their right, or elſe by their default or abuſe, the canons, councels, ſuperiour powers, princely, or publike lawes, have abridged, altered, or abrogated the ſame. Now then it remaineth to know, whether any conſent, default, abuſe, cuſtome, canons, councels, ſuperiour powers, publike or princely edicts, may be a good and ſure warrant, to abridge, transferre or abrogate, the peoples intereſt, from having to do, in the choice of their Paſtours.

Our Saviour Chriſt, when he came in the fleſh, he came to reforme the abuſe crept in of the Law, and to improve the corruptions of doctrine taught by the Scribes, Phariſees, and Doctors of the Law, but hee tooke not away any leaſt tittle of the Law, ne aboliſh any iot of true and ſound doctrine in the Church. The Goſpell teacheth us to order our judgements aright, to bridle the unrulineſſe of our affections, and to moderate our inordinate appetites. But yet, doth not the ſame command us, to empty our ſoules of all judgement, to bury our affections in our bellies, and to become as dead as ſtones, without all ſenſe, or appetite. In like ſort we grant, that cuſtome, conſent, Canons, Councels, Superiour powers, publike, and princely lawes, may reforme, reprove, reſtraine, direct, moderate, and bridle the diſordered unrulineſſe, and contentious brawlings of the people, in, and about their elections; yea and we grant further, that they may alter, abridge, or enlarge the forme and manner of elections. All this we grant: but that Chriſtian Kings or any ſuperiour powers, may take this right into their owne hands (as hee ſaith) from the people; or that the people by any law, cuſtome, conſent, canon, or councell, may transferre or abolite their right, freedome, and intereſt given and deduced unto them, by theſe rules and by theſe grounds, I doe not yet perceive any good ground or reaſon for the ſame. For in ſo doing, how ſhould the holy wiſedome and providence of God, who hath imprinted in our

Canons and Councels, &c. may bridle diſordered elections, but not diſanaul elections of the people altogether.

our nature, theſe rules and theſe grounds, this equitie and this freedome, be ſo holily regarded, and ſo highly reverenced, as it ought to be. For hath he made us freemen, and can we without contempt of this grace become bondmen? And albeit in ſome caſes, that may be well ſaid, *quod volenti non fit injuria*, and that *quilibet poteſt recedere a ſuo jure*; yet the caſes muſt be ſuch, as a mans willingneſſe, and readineſſe to forgoe his right, be not tyed to him with ſo ſtrong a band, as is the band of the grounds of reaſon and nature, of the rules of Chriſtian equitie, and of the freedome of the law of God. It is free, I grant, for a man to eate or not to eate, to drinke or not to drinke, but for a man not to eate at all, or not to drinke at all, and ſo with hunger and thurſt to ſterve himſelfe is not free: and in this caſe *volenti fit injuria*. Every man that hath a wife, that hath ſonnes and daughters, that hath men-ſervants, and maid ſervants; as by the very inſtinct of nature, and by the equity of the Law of Chriſt he hath freedome to provide for them, ſo muſt he carefully uſe this his freedome. And therefore hee may not wholly and altogether put from himſelfe, and expoſe at hap hazard, the proviſion, education, inſtruction, dieting, apparelling, and lodging of his wife, his ſonnes, his daughters and his ſervants unto ſtrangers: neither may husbands, fathers, nor maſters give their conſent, to the making of any law, or the bringing in of any cuſtome, whereby their freedomes ſhould be reſtrained, adnihiled, or made void in this behalfe. For by thus violating the rules, and grounds, and by thus treading, as it were, under foot, the equitie of Chriſt, and the freedome they have by the law of God: ſhould they not moſt profainely, and impiouſly deſpite God, and, as it were, overturne the whole order he hath ſet in nature? And if the people may not caſt off theſe rules, and theſe grounds, this equitie, and this freedome in things appertaining to the frail, bodily, tranſitorie, and earthly life: how much leſſe may they caſt them off, or ſet little by them, in things appertaining to the ſalvation of their ſoules, and to a durable, ſpirituall, everlaſting and heavenly life?

Objection, that the peoples right did never depend upon the expreſſe commandement of God.

But the peoples right to chooſe their Biſhops, did never depend upon the expreſſe commandement of God: neither can the people challenge by Gods law, the right to chooſe their Biſhops: I meane (ſaith he) no ſuch thing is expreſſed, and contained in the Scriptures. What then? if it doe depend, or bee contained under the generall grounds and rules of reaſon, nature, chriſtian equitie, chriſtian ſocietie principles of humane fellowſhips, the law of God, the practice of the Apoſtles, and that which was from the beginning: Is it not ſufficient? Though it be not expreſſed in theſe termes, *viz.* That the peo-

people muſt chooſe, or that the people have right to chooſe their biſhops? it is not expreſſed and contained in the Scriptures, that every man muſt chooſe his owne wife; or that every woman muſt chooſe her owne husband. And yet by the doctrine expreſſed, or contained in the Scriptures, is it true that no man hath right either to chooſe an other mans wife, or to chooſe an other womans husband. And that every man hath right to chooſe his owne wife, and everie woman right to chooſe her owne husband. Againe, it is not expreſſed and contained in the Scriptures, that infants muſt bee baptized: neither is it expreſſed and contained in the Scriptures, that the biſhop of *Lichfield* muſt have but one wife. Yet becauſe it is contained in the Scriptures, that God in the beginning, brought but one woman unto one man, and gave to one woman but one husband, I aſſure my ſelfe it will not be denyed, but that the biſhop muſt and doth content himſelfe with one wife, and that every Chriſtian ought to bring their children to be baptized. Beſides if Maſter *Bilſon* diſtinguiſheth biſhops in England from paſtours in England, and Archbiſhops in England, and Paſtors in England, two ſeverall orders and degrees of Miniſters in the Church of England, then I grant that it is neither expreſſed nor contained in the Scriptures that the people muſt chooſe their biſhops in England. And why? but becauſe the Scriptures (having put no difference betweene biſhops and paſtours) know no ſuch biſhops as we have in England. And therefore biſhops in England, being biſhops only by the Kings grace, and not by divine inſtitution and ordination, as paſtours in England be, hence is it, that the kings of England, by their prerogative Royall, and not the people, by the rule of Scriptures, have choſen their biſhops in England. And for this cauſe alſo was it, that K. *Hen.* 8. with advice of the Parliament, did reſume the nomination, appointment, inveſtiture, and confirmation, of his Kingly biſhops from the pope. As for the nomination of paſtours, having cure of ſoules in pariſhes (otherwiſe than all patrons by right of patronage, doe give preſentments) their choiſe, inſtitution, tranſlation, or deprivation, the Kings of England by their regall power never yet hetherto tooke the ſame upon them And if the Kings of England by any fact, or by any law, did never take away the right, intereſt, and freedome from the people, in chooſing their paſtours; what right, other, than by uſurpation, can the biſhops have, to impoſe, or thruſt upon the people paſtours without their liking? But by cuſtome and conſent the people have reſtrained themſelves. Hereunto (if it were not alreadie ſufficiently anſwered, that the people could not lawfully reſtraine themſelves) yet Maſter *Bil-*

Biſhops in England are only Bb. by the Kings grace and not by divine inſtitution.

Paſtours in parochiall Churches were never placed by the King, as Bb. are in their Biſhopricks.

ſon

ſon himſelfe anſwereth, That the late biſhops of *Rome* never left curſing and fighting, till they had excluded both prince and people, and reduced the election wholly to the Clergie. By curſing, and fighting then have the people beene overruled, and excluded, and not by cuſtome or conſent, have they reſtrained themſelves. Yea and by vertue of this curſed fight only, doe the Biſhops of England at this day, exclude both Prince and people, from medling in the choiſe of paſtours. For by authoritie of the canon law, made by thoſe late curſing and fighting Biſhops of Rome, the biſhops of England have the ſole ordination, and placing of paſtours over the people. And from hence alſo it is plaine, that the peoples right, was not by their default or abuſe, relinquiſhed and forfeited. For then the late Biſhops of Rome needed not to have curſed, and fought for it. And now whether it be not meet, that the Lord Biſhops profeſſing themſelvs to be Chriſtian biſhops, ſhould ſtill retaine in their hands, and not reſtore unto Chriſtian people, the poſſeſſion of their Chriſtian equitie, and freedome, extorted from them, by the curſings and fightings of antichriſtian Biſhops, I leave it to the conſideration of the reverend biſhops themſelves.

The people loſt their conſent by curſing and fighting of the Popes.

Touching the miſchiefes and inconveniences of ſchiſmes, troubles, ſtrifes, and contentions ſo often inculcated, and ſo much urged, and excepted againſt the election of the people, there is no man able (as I thinke) to produce any one pregnant proofe, out of any ancient, or late hiſtorie, that any king or Soveraigne power, hath interpoſed any ſupreme authoritie, to appeaſe any diſcord or diſſention, enſuing or raiſed upon the bare choiſe, made of any meere parochiall paſtour, by any faithfull and chriſtian people. The ſchiſmes, ſtrifes, and factions, that were raiſed in the old churches, ſprang out, and flowed onely from the heads, and fountaines of thoſe ſchiſmes, ſtrifes and factions: and namely from proud, ambitious, and hereticall biſhops, and great clergie maſters. For they being infected, and poiſoned with the contagion of ſchiſme, and hereſie, and having fowred the mindes of their Diſciples, , with the leaven of their hereticall doctrines, no marvaile if the people became followers o the evill manners of their teachers, and no marvaile if they verified the proverbe, Like maſter like man, like Prieſt like people. *Euſtatius* Biſhop of *Antioch*, being a Sabellian heretike, was depoſed by the Councell of *Antioch*, after whoſe depoſition, a fierie flame of ſedition was kindled in *Antioch*: becauſe one ſort of the common people ſought to tranſlate *Euſebius Pamphilus* from *Ceſarea* to *Antioch*, ſome other would bring againe *Euſtatius*. *Euſebius* bishop of *Nicomedia* and *Theognis* bishop of

Schiſmes and contentions ſpring from ſchiſmaticall and proud clergie maſters.

Socr. l. c. 18

Soc. l. 2. c. 2 *Nice*, being both *Arians*, with their confederates, raiſed skirmiſhes and tumults againſt *Athanaſius*, after the death of *Alexander* biſhop o *Conſtantinople* about the election of a biſhop, there was greater ſtirre than ever before time, and the Church was more grievouſly turmoyled: The people were devided into two parts, the one egerly ſet with the hereſie of *Arius*, clave to *Macedonius*; the other cleaSoer. l. 2. c. 4 ved very conſtantly to the decrees of the *Nicene* Councell, and chooſe *Paulus* to be their Biſhop. The cauſe of diviſion among the Citizens of *Emiſa*, Soer. l. 2. c. 6 about the election of *Euſebius Emiſenus*, was, for that he was charged with the ſtudie of the *Mathematickes*, and accuſed of the hereſie of *Sabellius*. After the death of *Euſebius*, when the people of *Conſtantinople*, had brought againe *Paulus*, to be their biſhop, the *Arians* choſe *Macedonius*. The authors and chiefe doers in that ſtirre, were certaine *Arian* biſhops, who before aided *EuſeSoer. l. c. 9 bius*, that turned up ſide downe the whole ſtate of the Church. Theſe and ſundry ſuch like ſturres, diſcords, factions, and diſſentions, are found to have beene raiſed, and purſued by ſchiſmaticall, and hereticall biſhops, their favourites and followers in the old Churches; but that theſe or the like miſchieves, and inconveniences, can be proved to have fallen out, by the election of Parochiall paſtours in the old Churches, we deny. And why then ſhould not the intereſt, and freedome of faithfull, and Chriſtian people, wreſted from them by curſings and fightings, of faithleſſe, and antichriſtian Popes, be reſtored to them againe? And the cauſe ceaſing, why ſhould not the effect likewiſe ceaſe? And therefore we humbly intreat the Lords biſhops, A requeſt to the reverend biſhops. that againſt the grounds of reaſon and nature; againſt Chriſtian equitie and ſocietie; againſt the right and freedome of the law of God; againſt the principles of humane fellowſhips; againſt that which was in the begining; and againſt that which the Apoſtles left in the Churches, by colour of lawes brought into the Church, by the curſings and fightings of the late Romane Biſhops, they would not henceforth barre and ſeclude the Kings Chriſtian and faithfull people, from giving their conſents unto their paſtours. Yea and we further beſeech their Lordſhips, that are ſchollers unto the Apoſtles, and as ſervants unto the old way of reaſon, of nature, of the law of God, of the equitie of Chriſt, and of humane ſocietie, they would hereafter imbrace that way, which was from the beginning, which is the old way, and the beſt way, and not any longer perſiſt, in a curſed and quarrelling way, which is the new way, and the worſt way. But if the Lords ſpirituall of their own accord, ſhal not readily vouchſafe to yeeld unto us this our right at our intreatie: then for my part,

I will

I will briefly ſhew mine opinion, what were expedient, for the Lords and commons in open parliament dutifully to pray, and to ſupplicate at the Kings Majeſties hand. Namely,

A ſupplication to the king by the Lords and commons for the reſtitution of their right in the choice of their paſtors.

At the humble petitions, and ſupplications, of all his Lords temporall, and commons in Parliament aſſembled, his majeſtie would bee well pleaſed, to give his Royall aſſent to an act, to be intituled, An act, for the reſtitution of the ancient right, and freedome which the people of God in the old Churches had, and which the people of England ought to have, in, to, or about the election of their Paſtours, and abolishing all papal power repugnant to the ſame. For if as it is plainly confeſſed) the people of all Churches, have right, and freedome by the law of God, by the equitie of Chriſt, by the grounds of reaſon and nature, by the principles of humane fellowships, and by that which was from the beginning, to elect their paſtours: and if alſo the ſame right, and freedome being left to the old Churches, and eſpecially to the Church at *Ieruſalem* by the Apoſtles; have beene taken away by the curſings, and fightings of the late Bishops of Rome, then cannot the people without violation of thoſe lawes, rules, and grounds, by any Epiſcopall power, be any more excluded from their ſaid right, and freedome: than could, or might the ancient juriſdiction of the Crowne of England, have beene ſtill uſurped by the pope from the Kings of England.

Admonition.

But alas the common people of England, thorough affection and want of right judgement, are more eaſily wrought by ambitious perſons, to give their conſent to unworthy men, as may appeare in all thoſe offices of gaine or dignitie, that at this day remaine in the choiſe of the multitude.

Assertion.

The Admonitor in one place of his admonition, telleth us, that he muſt not put all that he thinketh in writing, and yet he writeth in this place that thing, which might far better have been utterly unthought than once written: for could he thinke, to win the common people of England, to a continuall good liking, of high and ſtately prelacie, by upbraiding and charging them to their faces, in a book dedicated unto them, with affection, and wanting of right judge-

ment? Was this the way to procure grace, favour, and benevolence at their hands? And albeit this ſlander deſerved rather to have beene cenſured by the Commons in Parliament, than by confutation to have beene anſwered, yet for the better clearing of the right judgement, of the common people, giving their conſents, to moſt worthy men, in all offices of gaine, or dignitie, remaining in their hands, I thinke it neceſſarie to ſhew the indignitie of this contumelie.

There be (I confeſſe) in *London*, *Yorke*, *Lincoln*, *Briſtow*, *Exceter*, *Norwich*, *Coventry*, and other principall Cities, and townes corporate, Majors, Sheriffes, Stewards, Recorders, Bailiffes, Chamberlains, Bridge-maſters, Clerkes, Swordbearers, Knights, Burgeſſes, and ſuch like offices, ſome of dignitie, ſome of gaine, but that the officers of theſe, or any other places, whether of dignitie, or gaine, be choſen by the multitude of thoſe places, is utterly untrue: for onely according to their ancient cuſtomes, priviledges, and Charters, by the chief Citizens, Townſmen, and Borough-maſters, are thoſe officers choſen. The number alſo of which Electors in all places is not alike. In *London* the Aldermen, chooſe the Lord Major.

In other Cities and Townes, ſometimes eight and forty, ſometimes fourteene, ſometimes twelve, ſometimes only ſuch as have borne office, as Majors, Sheriffes, and Bailiffs in the ſame places, nominate and elect their new Major, Sheriffs, and Bailiffes. But that the Aldermen, principall Towns-men, Borough-maſters, and men having born chief offices in thoſe cities, towns, and boroughs, have eaſily been wrought by ambitious perſons, to give their conſents unto unworthy men, though it have pleaſed the Ll. Bb. (with ſeene and allowed) to have ſpred and publiſhed this ſaying, yet that the ſame ſaying, is wholly unworthy, of any credit to bee given unto it, or to bee regarded of any wiſe and indifferent man, let the ſober and peaceable elections made of the worthies of the land hereafter mentioned, be witneſſes. And to leave to ſpeake of the election of the Lord Major of the Citie of *London*, Sheriffs, Aldermen, Wardens of companies, Chamberlains, bridge-maſters, and other annuall officers, of honour and dignitie, let us conſider whether the Citizens of *London* have beene wrought by ambitious perſons to chooſe M. *Wilbraham*, M. *Onſlie*, M. *Bromley*, to be their Recorders, all three afterward the Queenes ſolicitors, and M. *Bromly* Lord Chancellor of England: and let us conſider whether the ſame Citizens, as men of affection, and want of right judgement, did elect to be Recorders of the ſame Citie, M. *Serjeant Fleetwood*, Maſter *Serjeant Flemming*, Maſter *Serjeant Drue*, and how Ma-

The officers in Cities and townes corporate choſen with our contention and ambitious working of unworthy men.

ſter *Crooke*, a man wiſe, learned and religious, and a Counſeller and juſticer within the principalitie of *Wales*. The Recorder of the towne of *Bedford*, is the right honourable, the Lord *S. Iohns* of *Bletſoe*. The Recorder of *Briſtoll*, was a long time Maſter *Poppam*, now Lord chief Juſtice of *England* The Recorder of *Northampton*, before he came to be Judge in the Kings bench, was Maſter Serjeant *Yelverton*, a favourer of the truth, and an upright Juſticer: The Recorder of *Warwick* was Maſter Serjeant *Puckering*, afterward Lord keeper of the great ſeale: And of the ſame towne the Recorder now is, a worthy Knight, deſcended from a noble houſe, Sir *Foulke Grevile*: The Recorder of *Coventrie*, is Sir *Iohn Harrington* Knight, a man zealous for the true feare of God: The Recorder of *Chicheſter*, was M. Serjeant *Lewkner* now chiefe Juſtice in the principalitie of *Wales*. The Recorder of *Norwich* was Maſter *Cooke*, the Kings Atturney generall. And whoſoever ſhall enquire, after the names, and after the manner of election of all the Recorders, in all other Cities and Boroughs of the land, I doubt not but he ſhall finde them all, to have been farre from any leaſt ſhew, of ambitious working, the Citizens, and townſmen to nominate, and elect them. Moreover, as theſe noble Perſons, theſe ſage, grave, learned, and chriſtian Gentlemen, quietly, and in all peacable maner, with upright, and good affection and judgement, and without ambition, have beene choſen by the Citizens, Towneſ-men, and Boroughmaſters, to the office of Recorderſhips. So likewiſe many and ſundry honourable Counſellors, have beene, and as occaſion is miniſtred, are daily elected by Citizens, and Towneſmen to be their high Stewards, Sir *Francis Knolles*, an honourable counſellor, and one, whoſe faith was famous among the Churches as well abroad, as at home, by the election of the citizens of *Oxford*, remained untill he died, high Steward of the Citie of *Oxford*. The right honourable Sir *Francis Walſingham*, by the common counſell of *Ipſwich*, was made high Steward of the ſame towne: after whoſe deceaſe, the ſame common counſell, by their election, ſurrogated into the ſame place, the right honourable the L. *Hunſdon*, late L. Chamberlain. The right honourable S. *Chriſtopher Hatton*, L. Chancelor of England, by the townſmen of *Cambridge*, was choſen to be high ſteward for the town of *Camb.* The right Ho. the old E. of *Arundel*; and after him the right Ho. E. of *Lincoln*, and after his death, the right honourable, the L. high Admirall of England, now E. of *Notingham*, by the boroughmaſters of the town of *Gildford*, was elected to be high ſteward of the towne of *Gildford*. Of all which honourable perſons, and of all other their Peeres, choſen in other places of the kingdome, by the

Honorable Counſelors choſen high ſtewards, without ambitious working.

ſame meanes, to the like offices, there is great reaſon, and juſt cauſe for the reverend Biſhops to carry a more reverend eſtimation towards them, than to burden them as ambitious perſons, to have ſought their places, at the hands of men affected, and wanting right judgement. As for any other offices of credit, dignitie, charge, and government in the common weal, now remaining in the choiſe of the commons: it may eaſily be proved, that the common people in ſundry places, have bent, and oppoſed themſelves, againſt ambitious perſons, who by ſiniſter, and indirect meanes, have hunted for preferment at their hands.

And what if it cannot be gain-ſaid, but that ſome publike officers choſen by publike applauſe of the people, have corruptly behaved themſelves, in their charges, and have not ſo equally, and indifferently diſtributed juſtice to all degrees, as it became them: yet this their miſdemeanour can no more juſtly be laid as a fault, nor any more diſgrace, or diſcountenance the ancient and commendable forme, and manner of election, than the hypocriſie, or counterfeit zeale, of an evill man ordained by the biſhop to be a Miniſter, can be imputed unto his letters of orders or manner of ordination. Beſides if none be able to prove, that the choiſe of the Knights of our Shires, Coroners of the Counties, Verderers of the kings foreſts, reſting in the free voices, and conſents of the freeholders; that the nomination of the high Conſtables being in the diſpoſition of the Juſtices of peace, at their quarter ſeſſions; that the choiſe of our peti-Conſtables, third Boroughs, Tythingmen, Churchwardens, wardens for the highwayes, overſeers for the poore, ſide men and ſuch like, remaining altogether in the free elections of the ſuitors to courts, Leets, and lawdayes, and of the inhabitants, and Pariſhioners of every Village, Hamlet, or Tything, have beene troubleſome to the Lievtenants of the Shires, to the Stewards of our Courts, to the Lords of our liberties, nor to the ordinaries of the Dioceſſes: If (I ſay) there be not any one man able to bring forth ſome few perſons, for many yeares paſſed, by whome the Officers and Magiſtrates of the Queens peace, have been ſued unto, and importuned, for the pacification of any ſtrife contention, or debate of any buſie head, or ambitious perſon, raiſed among the people, about the choiſe of any one of theſe Oficers; then (I ſay), it is meet and it importeth the Lords Biſhops very deeply, that for ever hereafter they be ſilent, and never any more utter ſo vile a ſlander, againſt ſo noble a people, as are the people of England: *viz. that upon affection and want of right judgement, they will eaſily be led by ambitious perſons to preferre unworthy perſons unto all Offices*

Knights of the ſhires & other officers choſen by the people without trouble to the ſtate.

Pag. 8.

of

of gaine or dignitie. Or that this Nation of England, upon light cauſes, is more enclined to broyle, and trouble than any other.

And to ſpeake the truth (as daily experience teacheth us) what feare of trouble is there likely any way to enſue by reaſon of diſſention, and ambition among the people in the choiſe of an eccleſiaſticall Officer, when moſt of the people ſhall rather ſhun and eſchew, than long or deſire to beare any eccleſiaſticall office? The common people among whom I dwell uſe oftentimes many delayes, yea they procure what favour and friendſhip they can, not to be appointed, to any the inferiour Offices before ſpecified: And why doe they ſo, but becauſe thoſe offices be full of bodily care and trouble? And is there then any Chriſtian, knowing, how the whole ſoule, mind, and ſpirit of a man is altogether to be imployed in the diſcharge of a ſpirituall function, that will diſſentiouſly and ambitiouſly ſeeke to be choſen an Elder?

No feare of trouble about the choice of an eccleſiaſticall Officer.

The admonitor telleth us, that men by experience know that many parishes upon ſome private reſpect, doe ſend their letters of earneſt commendation for very unfit, and unable perſons, inſinuating thereby what an inconvenience might follow, if Parishes had the whole direction, and order to ſound out, who were fit and able perſons. But as this fancie was never yet by any of ſound judgement on our behalfe ſo much as once thought, much leſſe inſiſted upon: ſo may it pleaſe the reverend Biſhops to be advertiſed, that the meaneſt and ſimpleſt pariſhioner, among a thouſand, can quickly retort this reaſon againſt their Lo. *viz.* that no parishes by letters of commendation, can commend unto any biſhop, any perſon, as an able and fit man, unto any particular pariſh or ſpeciall charge, unleſſe the ſame, or ſome other biſhop have formerly ordained him, and approved him to bee a fit and able perſon for every place. And how then were it poſſible if the choice of having one, to be their paſtor were wholly in the hands of a pariſh, that the ſame pariſh could chooſe any worſe men, any more ignorant, and unlearned men, than their Lords have commended unto us. For have they not choſen, ſent, and commended ſuch unto us as know not a bee from a batle doore, as uneth know to read Engliſh, and as know not the Lords prayer from the articles of faith: Of which ſort of Miniſters, the Parſon of *Haskam* now living a Chaplaine in *Winton-dioceſſe* may be produced for a witneſſe *omni exceptione major*. For thus much is to be proved from the report of a good and religious Knight, dwelling within that dioceſſe, that upon a time in the preſence, and at the inſtant requeſt of the ſaid Knight, when a Proteſtant biſhop of the ſame dioceſſe deceaſed, had deman-

p. 85. 79

Miniſters ſent unto the people, which know not a bee from a batle doore.

ded

The parſon of Haskams anſwer to the Biſhop of Wincheſter.

demanded of the new Parſon of *Haskam*, which was the firſt Petition of the Lords prayer, the ſaid Parſon, after hee had a prety ſpace pauſed and gaſed towards heaven, at length made this anſwer, *viz.* I believe in God the Father Almighty: at which anſwer the Knight merily ſmileing, I told you my Lord, quoth the Knight, what a profound Clerke your Lordſhip ſhould finde this fellow. Well how unclerkely, and how unprofoundly ſoever, this Clerke then anſwered, and albeit at that preſent, he could not obtaine the inſtitution, which he came for, to that benefice (for the good Biſhop hated ſuch groſſe ignorance) yet this Clerke afterwards, by the corruption of the ſame Biſhops Chancellour, was inſtituted into the ſame benefice, and to this day poſſeſſeth it quietly, though he can hardly read Engliſh to the underſtanding of his people. I could have enformed him alſo of many other ſuch Clerks reſiant and beneficed in that Dioceſſe: and namely of the Vicar of W. who upon an holy day, inſtead of preaching the word which he could not, or in reading of Homilies which he would not, (to terrifie his Pariſhioners with the judgements of God, and to move them unto repentance) ſolemnly read and publiſhed a counterfeit fable out of a little Pamphlet, intitul.d, *Strange newes out of Calabria*, pretended to bee prognoſticated by M. *Iohn Doleta*. Of theſe and of a number of ſuch able and skilfull Clerks and Chaplains; my Lords of the Clergie may be enformed. And therefore on the behoof, and in the defence of the common people of England, I am to teſtifie and to proteſt unto their Lordſhips, that by the mercifulneſſe and goodneſſe of our God, we are not yet become ſo ignorant, rude, and barbarous, as that we would admit ſuch manner of Clerkes and Chaplaines, to have the cure of our ſoules, in caſe, it laid in our power to chooſe, and refuſe our owne Paſtours. No, no, our ſoules, and the ſoules of our wives, children and families ſhould be more dear, and more precious in our eyes, than that careleſly we would hazzard, all our birthrights, upon the skill and abilitie of ſuch a meſſe of hirelings, and idoll ſhepheards. And ſurely me thinkes it ſtandeth greatly with the charitie of our Lord Biſhops to conceive the Commons, to have ſo much naturall underſtanding, as not to chooſe a cobler, when they want a carpenter; nor to retaine a loyterer in lieu of a labourer, nor to hire a ſleeper, in ſtead of a watchman. But (alas) be it, that the poore Commons of England, were thus wretched and thus bewitched; yea be it, that they were thus deſperate and beſides themſelves: ſhould therefore the Nobles and Peeres of the Realm, be as prophane, as impious, and as heatheniſh as they? Are the great men alſo unworthy, unable, and unfit to diſcerne between night

Fables read in the Church.

If the people had choiſe of their paſtors they would provide better than the biſhops ſend them.

Though the common people bee not able to diſcerne of paſtors, yet the Nobles are able.

night and day, betweene light and darkneſſe? Can they alſo put no difference betweene good and evill, betweene a blind guide, and him that hath his eye-ſight? or have they no better ſtomach, than to caſt up Mithridate, and to digeſt hemlocke? will they alſo chuſe them Captaines from among Corviſers? and will they call ſhepheards from among ſwineheards? or will they take them paſtours from among pedlers? or will my Lords of the clergie charge them to bee thoſe ambitious perſons, to work the Commons, (for their private reſpect) to the choiſe of unworthy men? or will they, being themſelvs under his Majeſtie, the worthies of the land) and chiefe guides and leaders of men in peace and in war upon earth, chuſe the ſcumm, the refuſe, and the baggage of the land, to guide their owne ſoules to hell? For to heaven by the labour and induſtrie of ſuch idoll miniſters (as whoſe lips preſerve no knowledge) they can never bee brought. A great part of the common people (ſaith hee) are backwardly affected towards the truth of Religion: from which backwardneſſe he draweth an argument againſt the allowance of the paſtors by the people. But (alas) is there any marvail, that the common people (for the moſt part) be backwardly affected? For how is it poſſible, that they ſhould ſtep one foot forward, when either their guides ſtand ſtill, or goe not at all, or at leaſt run fromward? or can the common people become good ſchollers in the ſchoole of Chriſt, and learne to know the truth of his religion, when their Maſters and Tutors (whom my Lords of the Clergie have begotten, provided, and thruſt upon them) be unlearned and irreligious dullards. What? Can truth ſpring from errour? or can light ariſe out of darkneſſe? Doe men pluck, or pull corne from a dead ſtalke, or a full eare from a dead root? Can a Vintener draw wine out of an emptie Caſque? or doth a Baker poure meale out of a bottomleſſe bag? If then the common people be fooliſh and ignorant, if they doe erre, and bee irreligious, they may juſtly challenge the Lords ſpirituall of unkindneſſe, and want of love, not becauſe they have ſent Embaſſadors unto them, as the *Gibeonites* ſent unto *Joſua*, with old ſackes, and old bottels, with old ſhooes, and old rayment; with proviſion of bread dried, and mouled: but becauſe they have ſent them ſuch ambaſſadors, as have had no ſackes, no bottels, no ſhooes, no raiment, yea and no manner of bread at all. All which notwithſtanding, the Admonitor (by the backwardneſſe of the people) laboureth mightily to acquit the Lord Biſhops, laying to the peoples charge, that this fault hath not happened for want of teaching by the Miniſters, but for want or profiting by the people. The Scripture (ſaith he) in no place teacheth us, that the

The common people accuſed to bee backwardly affected to religion.

The backwardneſſe of the people proceedeth from the backwardneſſe of their guides.

offences and faultes of the Miniſters, are alwayes the only cauſe, why the word of God doth not take place in mens hearts. It is commonly, and almoſt always imputed to the waywardneſſe, unthankfulneſſe, and obſtinacie of the people that heare it. But (alas) who ever fancied that the faults of the Miniſters of God, were the only cauſe, why the word of God preached by them, did not enter into the hearts of men? Where the Miniſter ſincerely preacheth the word of God, if there the people doe not worthily embrace the ſame, the people are only in blame and not the Miniſter, no, though hee may have many faults: Mat. 23.2,3 for when they teach the truth, the people are bound to doe as they ſay, and not to doe as they doe, becauſe they ſay and doe not. But the complaint that hath beene, and is ſtill made is this: namely, that the people generally in moſt places of the land, and for the moſt part have no ſeed at all ſowen, for want of husbandmen; that the people cannot be harveſted, for lacke of labourers, that the people could bring forth no fruit, becauſe they were not ered and plowed; and that the people could not beare. What? for want of their owne eares? no, but for want of the Prieſts lips, which ſhould have preſerved and taught knowledge, and therefore this general backwardnes and unfruitfulneſſe of the people in religion, muſt ſtill light upon ſuch as have beene the occaſion that there have beene ſo few divers to haite them on, and to whiſtle them forward. No? why this Realme of England (as ſaith the Admonitor) never had ſo many learned men, nor of ſo excellent gifts, in delivering the word of God; it Pag. 140. is the greateſt ornament that ever this Church had; for my part (ſaith he) ſurely I doe reverence, and marvaile at the ſingular gifts of God, that I ſee in many. And doe my Lords of the clergie marvaile in deed of ſo great a number of excellent men, and of ſo ſingular gifts in them? And ſhould not then alſo the people marvaile beyond marvaile, that ſome of the Lords ſpirituall, for ſmall matters, and of ſo little importance, ſhould put to ſilence, many of the chiefeſt of many excellent and learned men? Nay may not the people be aſtoniſhed at the little love of ſome of the Biſhops, when as upon diſpleaſure conceived againſt many excellent and learned men, their Lordſhips ſuffer, the people to ſtarve, and famiſh for want of food, rather than thoſe learned and excellent men ſhould breake unto them, the bread of life? But bee it granted that many excellent mens mouthes bee not yet ſtopped, or if they have beene ſtopped, they are now opened againe; what is this to that, that they have no moe learned men, or that, they have any hirelings at all? For to what uſe ſerveth an hireling, but firſt to rob, to ſpoile, and to kill, and afterwards to truſt to

Men of excellent gifts and men of no gifts, are unequally matched in the miniſtery of the Goſpell.

his

his heeles to trudge, and to run away? As for that, that many learned and excellent men, in many places of the land doe ſtill feed the people, they may bee ſaid (in reſpect of the people unfed) to bee an handfull, to an houſe-full, or as an inch to an ell. Beſides how are the people fed, in many places by ſome of theſe many learned men? is not one of them allotted (by a licence in a box) to breake bread unto twenty or forty thouſand people? What? by them ſelves in one place ſitting round and cloſe together? Nay but in a thouſand and moe Pariſhes diſtant farre and wide aſunder, and that at ſundry times, one time long after another: and what a ſtrange and new kinde of feeding call you that? Is it not as if a victualler, ſhould provide one meales meate for a company at *London*, and an other meals meat for a company at *Lincolne*, and an other meals meat for a company at *Exceter*, and an other meals meat for a company at *Briſtoll*, to feede his gueſts, untill he had ridden from coaſt to coaſt to provide new viand? And yet this is the common manner of Diet, and the common maner of food prepared and ſet before the ſoules of the people. For many of theſe learned Preachers, gallop from place to place, and trot from pariſh to pariſh, and give unto the people at one time, bread, half baked, at another time, beer half brewed; ſometimes either meat twice ſodden, or halfe raw, and many times drinke, both dead, ſower, and wallowiſh. And how then is it poſſible, that the ſoules of the people ſhould proſper, wax ſtrong and bee plyable in going forward in the truth of religion, they being ſo thinly dieted, and entertained with ſo ſmall coſt. But let theſe gallopers paſſe, wee will conclude this point: and thus wee ſay, that the backwardneſſe of the people in the truth of religion (how backward ſoever they bee, and howſoever the ſame backwardneſſe may happen) can bee no good plea in barre to take from the people of God, their right, intereſt and freedom, from the allowance and approbation of their paſtour. As for that vaine and ridiculous gibe, whether all (hand over head) men and boys, women and girls, young and old, *&c.* ſhould give their conſents, to this fond gibe, I anſwer, that there is no ſuch vanitie of vanities intended. For when we ſay, that the people of every pariſh, ought to chooſe and elect their paſtour, wee meane, not that the election ſhould ſolely bee committed to the multitude, but wee intend onely that the chiefe Fathers, Ancients, and Governours of the pariſh in the name of the whole ſhould approve the choice made by the holy Miniſterie: wherein we follow the example of the ancient people of God, whoſe affaires were committed to the chiefe Fathers ſitting in the gate.

The uſe of an hireling.

The number of excellent Miniſters in the miniſterie, is ſmall, in compariſon of unlearned Miniſters.

The maner of dyet ſet before the people, by ſuch Miniſters as wander from place to place.

Anſwer to the abſtract

Pag. 80.

The people may know a man to be a fit Miniſter though he bee not brought up among them.

Where the Admonitor hath pretended that it is impoſſible to bee brought to paſſe, which (as he ſaith) is moſt of all pretended for the common manner of election, that the people may know their Miniſter, and thereby have the better liking of him, unleſſe every pariſh ſhall have within it ſelfe, a Schoole or Colledge, where thoſe ſhould be brought up that ſhall be preferred to the Miniſterie amongſt them: this (I ſay) is another vanitie of vanities, and a vexation of ſpirit without all meane or meaſure, yea it is an aſſeveration void of all ſenſe and ſoberneſſe. For is it not poſſible for a Lord Biſhop, to know the equities, condition, and behaviour of a man fit to be retained for his Secretarie or Gentleman-uſher, unleſſe the ſame party be brought up, in ſome Schoole or Colledge within his own houſe? Or is it impoſſible for his Lordſhip to know the education, life, learning, gifts of utterance and aptneſſe to teach, of a man, and ſo to have the better liking of him, to make him a Miniſter, unleſſe within his Pariſh, there be a School or Colledge, wherin ſuch as are to be preferred, to the Miniſtery be brought up? If then without having any ſchool or colledg, within his own houſe, or within his own pariſh, for the bringing up of ſuch as are received by a L. Biſhop either to his private ſervice, or to the publike miniſterie; his Lordſhip may know, and ſo have the better liking of them, whom he would preferre. How then followeth it to be impoſſible, that the people ſhould know their Miniſter, and ſo have the better liking of him, unleſſe every pariſh had in it ſelf a School or Colledg, where thoſe ſhould be brought up that ſhould be preferred to the Miniſtery amongſt them? What? is one tongue, of one man alone able to enquire and learn the maners of many men to be ordained & placed Miniſters in many places, and are many tongues of many men not able to enquire and learn the converſation of one man to be placed in one place? or have the eyes and eares of one man, ſight quicke enough, and hearing good enough, to heare and to ſee into the education and life of all the Miniſters, within all the pariſhes of one whole dioceſſe? and are all the eares and eyes of many men, deafe and dimm to heare and to ſee into the life and education of one Miniſter, in one pariſh? If the pariſh of *Maries* in *Cambridge*, or the pariſh of *Allhallowes* in *Oxford*, were deſtitute of an able, and preaching Miniſter, might not the people of the firſt know M. Doctor *Overall*, and have the better liking of him; and might not the people of the ſecond, know M. Doctor *Reynolds*, and have the better liking of him to bee their paſtour, unleſſe *Corpus Chriſti* Colledge in *Oxford*, ſtood in *Allhallowes* Pariſh, or *Kat. Herle* in *Cambridge* ſtand in *Maries* pariſh? or did the Deane and Chapiter, the Clerkes and people of *Lincolne*,

and

and *Winchester*, therefore know *H. C.* and thereby had they the better liking of him to choose him first Bishop of *Lincolne* and secondly Bishop of *Winchester*, because he was brought up in some Schoole or Colledge in any of the parishes of *Lincolne* and *Winchester*? I trow himselfe, if hee were now living, would not so affirme: and what then should ayle the Gentlemen of the Temple, or the people of the Parish of *Bow* in *London*, that they may not know, and thereby have the better liking of M. *Travers*, and M. *Barber* to be their Ministers, albeit neither of the twaine, were brought up in any Schoole or Colledge, in, or about the Temple, or the Parish of *Bow*? For who knoweth not, that there be meanes enough, and enough to know a man within and without, and to have a good opinion and liking of him, though the same man be not brought up in any Schoole or Colledge, amongst them? Wherefore his argument of (cannot possibly be brought to passe) may passe, and repasse, as the only streame of an humerous passion. Neither may the people in this case doe as the Ordinaries use to doe. For the Ordinaries first ordain Ministers; secondly, they set them to schoole and give them their taskes, that by their Archdeacons they may know, how they profit; and lastly they have the better liking of them because they bee branded with their owne stampe. But the people (I say) may not, ne yet would they, thus ungainely set the cart before the horse. But they would use all good and circumspect care and diligence, first to know them, secondly upon just and equall cause, to like them, and lastly, upon their liking, to allow and approve them. For how should a man allow any thing, before he like it, or how should he like it before he know it? or how should he know it, before he had seene, heard, or enquired after it? And hereupon also his two asseverations next insuing, fall to the ground. For albeit he affirme, that if this manner of election were admitted, the people (nevertheless) should have as little acquaintance with their ministers as now they have: albeit (I say) he thus thought, yet nevertheless his (*ipse opinatus sum*) I am of opinion, is no (*ipse dixit*) unto me. No, I averre and hold the contrary to bee true, and therefore his opinion in this case) to be erroneous. For this cannot be denyed, that there is not any one man, or woman amongst forty, in any one parish amongst forty, that can tell, that ever he, or she, did see, or heare, of the Minister appointed, and sent by the Ordinarie, to be Parson or Vicar of the Parish Church vacant, before such time, as he did heare, or see, the Parish Clerk to trudge with the Church door keyes, to let in the Sextin, to ring the bell, for the said Parson, or Vicars induction, and reall possession.

The people would not do as the ordinaries use to do, first choose Ministers and then set them to schoole:

Pag. 80. If the people were admitted, to the election of their Minister they should be better acquainted with him, than now they bee.

And if the people of every pariſh had their conſents in the choice and approbation of their miniſter, were it poſſible to have leſſe acquaintance with him than this? For we avow that the people ought not to give their conſents unto any paſtour, before they have ſeene him, before they have heard him divide the word, before they have procured a good teſtimonie of his gifts, from thoſe who by the word have intereſt to approve him; and laſtly before they have gotten ſufficient notice of his condition, eſtate, converſation, birth, education, and life. Wherefore theſe things being carefully and diligently ſearched into, not by one, but by many, not for a fee, but of dutie, not for reward, but for conſcience; not for one day, but for many dayes, I truſt it will not ſtill bee holden for an oracle, that the people ſhould have as little acquaintance with their Miniſters, as now they have.

No partiall ſuits can follow the election of Miniſters by the people.

As for the ſecond point, that farre greater occaſions of partiall ſuits ſhould follow this manner of common election, whereof wee ſpeake, than now there is: this is alſo (I ſay) not true; nay that farre leſſe occaſion of partiall ſuites, ſhould follow than now there is, this (I ſay) is true. For by this meanes all partiall ſuites now happening, may either be extinguiſhed, or with leſſe charges purſued, than now they be. For there can be no ſuites, much leſſe can there bee any partiall ſuites, when neither plaintiffe, nor defendant may be found, and where alſo there can lie no writ, nor any action be commenced. For who be the parties betweene whom theſe partiall ſuites ſhould ariſe? Be there many miniſters, who for one place, and at one time, are found meet for the ſame? And doe they ſue and contend one againſt another, which of them ſhould poſſeſſe the place? or ſhould theſe ſo many partiall ſuites, conſiſt betweene the inhabitants of one pariſh; one part leaning to one ſide, and an other part cleaving to the other ſide? Touching the Miniſters, we affirme that none may or ought to ſue or ſollicit any mans voice, directly or indirectly, much leſſe to labour for a place of Miniſterie. And therefore, we deſire by an irrevocable law (according to the manner of the *Medes* and *Perſians*) to have it enacted, That as well every procurer, and labourer for a voice, as alſo every ſuitor and ſollicitor for a place of Miniſtery, be adjudged *ipſo facto*, incapable for ever of the ſame place. For the ſecond, touching partiall ſuits to ariſe betweene the Pariſhioners, about the election of their Paſtor, theſe ſuits for ought I yet conceive (wherin I grant I may erre and conceive too little) may eaſilier be diſpatched, than be once begun. Pariſhioners ordinarily in the Countrey, ſue not, ne moleſt one the other for pleaſure, but for profit; they are not ſo laviſh

No occaſion of partiall ſuits about election, between Pariſhioners

of their purſes, nor ſo careles of their thrifts, as to jangle in vain, when before hand, they know there is no hope of gaine. And indeed what advantage, or what pleaſure ſhould Ancients divided againſt Ancients, and chiefe men diſtracted againſt chiefe men in a pariſh, about the election of a Miniſter, reape by ſuch a diviſion, and diſtraction? Beſides by our daily experience, we have learned, that very rarely, or not at all about elections, made by the people of any Officers, either in the Countrey or in Cities and Townes, any variance or partiall ſuites have beene ſtirred, betweene the electors. For though ſome times perhaps they varie in their judgements one from another, yet reſt they more wiſe and prouident, than to impaire their owne eſtate, to advance an other mans reputation. And if in former times there have no occaſion of partiall ſuites (touching publike officers in the common weale) fallen out betweene the people, when out of a multitude they have choſen one: much leſſe can there be any occaſion of partiall ſuites, if only there remaine but one, to bee choſen to bee a Church officer. For if all the ancients agree to chooſe that one, then is all the ſuit (about him) ended: and if the greater part diſagree, yet this their diſagreement can bee no occaſion to breed and nouriſh ſuit and contention. And why? firſt becauſe no other cauſe by the greater part ought to be alledged, to withdraw their conſent, but only ſuch a cauſe as the law ſhould preciſely allow, in the ſame caſe, to bee a juſt cauſe: Secondly, becauſe this juſt cauſe before the day of election, ought to be made knowne unto the Magiſtrate, and by him to be approved; ſo that if the greater part upon the day of election ſhall diſſent, not having before hand alleaged, and provided a juſt cauſe of their diſlike, the voices of the leſſer part (as being ſuppoſed the better part) ſhall prevaile, confirm, and make good the election. Oh! here is much (ſaid my Lords) ſpoken of a choice, and election to be made by the Miniſters and people, by proofes to bee made before the Magiſtrate, but here is not any one word ſpoken, or any mention made of the Patron, of the Biſhop, or of the Archdeacon, of preſentation, inſtitution, or induction. And what an alteration, and innovation would that be, and what a dangerous attempt were it, to alter lawes ſetled; and that Patrons ſhould bee curbed, and that Biſhops and Archdeacons ſhould not meddle in theſe buſineſſes any more? Well then to wipe away as much as in me lyeth, this cavillous reproach, and obloquie from the ſervants of God, who are challenged to be new fangled, giddie headed, and fanaticall ſpirits, ſtrange innovators, and deſirers of perillous alterations, to wipe away (I ſay) this ſlander, If it may pleaſe the King with his Princely wiſedome to confirme the forme.

No partiall ſuites can be among pariſhioners, when one only is propounded to bee choſen by them.

The forme of Church policie now in practice by the Biſhops, and the platforme of Church policie, deſired to bee planted by paſtours, compared together.

forme of policie now in uſe and practice, touching ordinations, preſentations, inſtitutions, and inductions, by Biſhops, Patrons, and Archdeacons, with the manner of that platforme of Diſcipline (concerning the ſubſtance of theſe things) which is propounded. And if the propounders preferre but the commandement of God, before the traditions of men; but the Kings Crowne, before the Biſhops Myters, but a feaſt of fat things, yea of fat things full of marrow, before leane ſpits and emptie platters; but a feaſt of wines, yea of wines fined and purified, before ſower and untoothſome whey: I hope his Majeſtie will graciouſly vouchſafe ſo to protect the propounders (being his faithfull, loving and obedient ſubjects) as that hereafter they ſhall not bee charged with any more ſo unjuſt and ſcandalous imputations.

Inconveniences of biſhoply ordination are theſe, peſtering of the churches with unlearned miniſters. Unlawfull gaine for letters of orders the breach of many good lawes.

The practice and policie then now in uſe, is after this and this manner. The Biſhop oftentimes at his pleaſure, (beſide the law, nay rather againſt the expreſſe letter of the Law, and publike Canons of the Church) not only ordaineth Miniſters alone, without aſſiſtants of ſuch number of Miniſters, as is required; but he alſo ordaineth them, (for the moſt part) when there is no place of Miniſtration void. Now the buds which, (to the griefe of many godly men, and to the obloquie of the Profeſſors of the Goſpell) have ſprung from this manner of ordination, have beene theſe, *viz.* The publike breach of many good lawes; the peſtering of the Church with multitude of unable Miniſters, together with much unlawfull gaine (by immeaſurable exaction of money) for letters of orders. For it cannot be denyed, but the Biſhops Secretary, Gentleman-uſher, grome of his chamber, Butler, Pantler, Porter, and other the Biſhops menials, (beſides his owne and his Regiſters fees, and his Clerke for expedition) doe uſually (all, or moſt of them) challenge and receive fees, (ſome more, ſome leſſe) before the poore Miniſter with his box of orders can bee ſuffered to paſſe by the porters lodge: theſe are the fruites of the Biſhops ſole ordination. The ſuites which have growen and daily do grow, by the Patrons preſentation to the Biſhops have been and are theſe, Sometime contention and ſuite in law, betweene the Patron and Biſhop, for diſallowing the Patrons Clerke, for non-abilitie, or as being criminous. Sometimes, if two Patrons pretend right of patronage, if one of their Clerkes be inſtituted, and the other rejected (as neceſſarily it muſt come to paſſe, for one wife can have but one husband) then followeth ſuit at law, betweene the Clerk refuſed, and the Clerke admitted, wherein alſo the Biſhop is made a partie by a writ of *quare impedit*, ſometime ſuit falleth out betweene the Clerke preſented,

Suits betweene the patron and the biſhop.

Suits betweene Clerke and Clerk.

preſented, and the Biſhops, when the Clerke calleth the Biſhops (by a double quarrell) before the Archbiſhop, for not granting inſtitution: and ſometime alſo likewiſe debate is moved, and law attempted, between the Clerke inſtituted, and the Archdeacon, who (knowing the Church not to be vacant) refuſeth to execute the Biſhops inductorie mandat. For many times, upon pretence that the Church ſtandeth void (being indeed full) the Patron, upon ſuggeſtion granteth a preſentation, and the Biſhops alſo inſtitution; which if the Archdeacon refuſe to execute, then (beſides the diſcord between the Biſhops and the Archdeacon, for contempt of the Biſhops mandat) he, who pretendeth title by vacancie, thinking to have right, though a reall incumbent be in poſſeſſion, bringeth their two titles to be tried in the Eccleſiaſticall Court: but before the matter can be finally ſentenced by that Court; many foule riots, breaches of the Kings peace, and unlawfull aſſamblies, upon entries and keeping poſſeſſions, doe enſue: as was well enough lately knowne in the caſe between *Rogers*, and *Baker*, for the title to the Parſonage of *Barby*, in the Countie of *Northampton*.

Suites between the Biſhop and the Clerke.

Suites between the Clerke and archdeacon.

Suites between the Biſhop and the Archdeacon.

Riots and breaches of the Kings Peace.

Howbeit, let it be ſuppoſed that none of theſe variances in law fall out between the Biſhops and the Patron, between the Biſhops and the Clerke, between the Biſhop and the Archdeacon, between the Clerk and the Archdeacon, and between Clerke and Clerke: the exaction (notwithſtanding) of unlawfull gaine, for fees of letters of inſtitution, and fees uſually payable to the Biſhop his Officers, as aforeſaid; for fees of the Archdeacons induction; his Reſter; his Clerke, and his Apparrators fees: the unconſcionable exaction (I ſay) of theſe unreaſonable fees, may ſeeme to be a conſcionable motive, to cauſe better things than theſe, without danger to be attempted, and innovated. And yet theſe are not all the bad events that happen, and fall out upon the preſentation, inſtitution, and induction now uſed. But by the intereſt whereby the Biſhop challengeth to be *cuſtos Eccleſiarum*, there happen as bad, if not worſe than theſe. For there is no ſooner a Church void, but a poſt is ſent in all haſte, with letters of ſequeſtration, to ſequeſter the fruits, to the uſe of the next incumbent. Which next incumbent, for the great care taken to preſerve the fruits to his uſe (before he can obtain to be put in reall poſſeſſion) muſt pay Ten Shillings, or a marke, or more, for thoſe letters of ſequeſtration, which as much more alſo for letters (ſo called) of relaxation; beſides Two pence, Three pence, or Foure pence a mile, for portage to the Somner. And from hence is the Patrone (as I take it) very much injuried.

Unlawfull fees for letters of inſtitution, &c.

Unlawfull fees for letters of ſequeſtration.

For he being (as it appeareth) by the Statute of 25. of *King Ed.* 3. Lord and Avower of the benefice, ought to have the cuſtodie and poſſeſſion thereof during the vacancie. Beſides many times wilfull perjuries are committed by the Clerke, and many times ſacrilegious robberies are perpetrated by the Patrone. The Clerke (when he ſweareth that neither directly, nor indirectly, any compact, promiſe, bande or agreement hath been made or paſſed by him, for him, or in his name to the Patron;) many times forſweareth himſelfe. And if the Clerke be preſented to a Vicarage, then the Biſhop (if he be faithfull to the law) ſweareth him to be reſident upon the ſame Church: Which oath (notwithſtanding) is afterwards broken; when as the ſame Vicar, accepting another benefice (and retaining withall the former, by purchaſe of a diſpenſation) betaketh himſelfe to be reſident upon his ſecond Benefice, and ſo by non-reſidence from his firſt Vicarage, committeth perjurie. Touching the Patrons robbery, thus it is, and thus many times hath it fallen out. The Patron, when (at the hands of two, three, or moe ſuch perjured Clerkes) he hath (time out of minde) poſſeſſed, the manſion houſe, or gleebe-land of the Parſonage; finally (in time) ſpoiled the Church both of the houſe, and gleebe-land: the gleebe-land being often intermingled with his owne incloſed grounds, he poſſeſſeth them as his owne inheritance; and in ſteed of the Parſonage houſe, either he buildeth another new, or elſe hireth ſome cottage or farme houſe for the Parſon and his ſucceſſors to inhabite in. Theſe abuſes (we ſee) are many, and yet, beſides theſe continuing at this day in the goverment eſtabliſhed, there remaineth others, as foule, and as groſſe as any of the reſt: which is the too too inordinate, and licentious chopping and changing of Churches from Miniſter to Miniſter; for diſpenſations, commendames, *perinde valeas*, *res*, pluralities, and Non-reſidencies: wherein not the people to be taught, but their own backs and bellies to be cloathed and fedd, is wholly reſpected. Now then that this manner of goverment, wherein the afore ſpecified, & the like diſcõmodities daily fall out, under colour of not diminiſhing the Kings Prerogative, of not altering laws ſetled, of not attempting dangerous innovations, and of the preſerving of the right of Patrones, Biſhops, and Archdeacons, ſhould ſtill be continued without any mention or Remembrance to be once had, of their diſcontinuance, eſpecially in the time of Peace, and under a Chriſtian Magiſtrate, and in a ſtate (as he ſaith) reformed; we humbly leave to the wiſe, and mature deliberation of our moſt Chriſtian King, and State in Parliament. And we moſt

Perjurie by the Clerke, and robberie by the patrone.

Every Vicar sweareth or ought to sweare to be resident.

Patrones robberie.

Chopping of benefices dispensations, &c.

humbly beſeech the King and State, that indifferently, freely, and largely, it may be argued, heard and examined; whether it be poſſible, that the tenth part of theſe, or any other the like diſorders, corruptions, and grievances, can poſſibly fall out in the Church, by that platforme of Diſcipline, which is required to be planted. And to the end that the Kings Majeſtie, and the State, might rightly and perfectlie be informed and reſolved of thoſe points, whereof we now ſpeake, *viz.* of the petition, ordination, election, preſentation and admittance of every Parochiall Paſtour, to any Church, with cure of ſoules; how the ſame may ſtand, and not be diſagreeable to divers lawes already ſetled, and in force; it is requiſite that the ſubſtance of theſe things, in this place be intreated of; wherein againſt the baſe office, and meane perſon of the Archdeacon, we oppoſe the Royall office, and moſt excellent perſon of the King: againſt the immoderate office, and ſtately perſon of one Lordly Biſhop; wee oppoſe the meek and temperate cariage of a Senate, or Presbyterie, of many wiſe, learned, and grave Miniſters, together with a Reverend aſſemblie of the Ancients, and chiefe Fathers of every Church deſtitute of a Paſtor. As for the Patrons right, we are ſo farre from diminiſhing any jott of the true right which by laws ſetled he ought to have, as that he ſhall quietly poſſeſſe his intereſt, and that with leſſe trouble and expence, yea and with greater priviledge than he did before. Thus therefore touching the office and perſon of the King, the duetie of the Presbyterie and people, the right of the Patron, and the perſon of the Miniſter to be ordained, thus and thus we ſay, and thus and thus (as we think) may our ſayings well ſtand with lawes ſetled.

Supplication to the King and State in parliam.

Petition, ordination, &c. of Miſters or Paſtors, how the ſame may be made without Biſhops or Archdeacons, not diſagreable to divers lawes already ſetled.

By an act *primo Eliz. c.* 1. the King hath full power and authoritie, by Letters Patents under the Great Seale of *England*, when, and as often as need ſhall require, as he ſhall thinke meete and convenient, and for ſuch, and ſo long time as ſhall pleaſe his Highneſſe to aſſigne, name, and authorize, ſuch perſon, or perſons, being naturall borne ſubjects, as his Majeſtie ſhall thinke meet, to exerciſe, uſe, occupie, and execute, under his Highneſſe, all manner of juriſdictions, priviledges, and preheminences, in any wiſe touching or concerning any Spirituall, or Eccleſiaſticall juriſdiction, within this Realme of *England*. Againe, by the booke of ordeyning Biſhops, Prieſts, and Deacons, it is preſcribed, that the Biſhops, with their Prieſts, ſhall lay their hands ſeverally upon the heads of every one that receiveth Orders; that every one to be made a Miniſter, muſt be of vertuous converſation, and without crime, ſufficiently inſtruc-

The Bb. and Prieſts muſt lay on their hands.

cted in the holy Scriptures; a man meet to exerciſe his miniſterie duely; that he muſt be called, tried and examined; that he muſt be preſented by the Archdeacon, and be made openly, in the face of the Church, with prayer to God, and exhortation to the people. And in a ſtatute made 21. of King *Hen.* 8. it is affirmed, That a Biſhop muſt have ſixe Chaplaines, at giving of orders. Beſides, by an ancient and lowable cuſtome, the Pariſhes, and Pariſh Churches within every Archdeaconrie, remaine unto this day, diſtributed into certaine Deanries, the Parſon or Vicar of the auncienteſt Church, commonly called the Mother Church of the Deanrie (unleſſe by conſent, ſome other be choſen by the Miniſters themſelves) hath the firſt place, and is the chiefe director, and moderator of whatſoever things are propounded in their Synodall meeting; which Miniſter alſo is called *Archipresbyter* or *Decanus curalis*, according to the appellation of the chief Miniſter, of the mother, or chief Church of that Dioceſſe, who is called *Archipresbiter* or *Decanus cathedralis*: ſo that unto this day theſe Miniſters meeting at the Archdeacons viſitations once in a yeere at the leaſt, there remaineth in the in the Church of *England*, a certaine image or ſhadow of the true, ancient, and Apoſtolicall conferences, and meetings. Wherefore from theſe lawes, and from this ancient manner of the meetings of Miniſters, and of having one principal and chief Moderator amongſt them; according to the Apoſtolicall practice, and uſage of the primitive Church, thus already ſetled in the Church of *England*, wee humbly leave it to be conſidered by the Kings Majeſtie.

The Biſhops muſt uſe ſix Chaplains at giving of orders.

Every Archdeacon divided into Deanries.

Firſt, whether it were not meet and convenient for his Highnes by his letters patentes under the great Seale of England, to aſſigne, name and authorize, the Biſhops and ſix or moe Miniſters within every Deanerie continually reſiant upon their benefices, and diligently teaching in their charge, to uſe and execute all manner of juriſdiction, priviledge, and preheminence, concerning any ſpirituall ordination, election, or inſtitution of Miniſters to be placed in the Parochiall Churches, or other places, with cure of ſoules, within.

A Miniſter to be ordained by the Biſhops, and a company of Miniſters at the Kings commandement.

Secondly, when any Pariſh Church, or other place, with cure of ſoules, ſhall be voide, whether it were not meet and convenient, that the auncients and chiefe Fathers of that place, within a time to be limited for that purpoſe, ſhould intimate the ſame vacancie unto the office of the Kings civill Officer, appointed for that Shire or Dioceſſe: to the end the ſame Officer, by authoritie from the King, might command in the Kings name, the Biſhop and other Mini-

Vacancie of a benefice to be intimated to the Kings officer.

ſters

ſters, to elect, and ordaine, and the people of the ſame place to approve and allow of ſome able and godly perſon, to ſucceede in the Church.

Thirdly, the Patrone (if the ſame be a common and lay perſon, having now libertie to vary his Clerk, if he be found unable) whether it were not meet and convenient (to avoide all manner of varying) that, within the time perfixed, hee ſhould nominate at one time two Clerks, to bee taken out of the Univerſities, or other Schooles, and Nurſeries, of the Prophets, and that the ſame nomination be made unto the Biſhop, and the ſaid ſixe Miniſters, to the end that both the Clerkes, being tried and examined by them, the abler of the two might be preferred to that charge. And of this manner of preſenting two Clerkes by the Patrone, we have a preſident not much unlike, in the ſtatute for nomination of Suffraganes. By which act, every Archbiſhop and Biſhop, deſiring to have a Suffragane, hath libertie to name, and preſent unto the King two honeſt and diſcreet Spirituall Perſons, &c. that the King may give to one ſuch of the ſaid two Spirituall Perſons, as ſhall pleaſe his Majeſtie, the title, name, ſtile and dignitie of a Suffragane.

A Lay patrone, inſteed of varying his Clerk may preſent two Clerks at one time.

Fourthly, the Biſhops and Presbyters having thus, upon triall and examination found one of the Patrones Clerks, to be a fit and able man, to take upon him the executiõ of the Miniſtery in that Church; whether it were not then meet and convenient, that by them he ſhould forthwith be ſent to the ſame Church, as well to acquaint the people with their judgement and approbation, of his gifts and abilitie to teach, as alſo that, for a time, he ſhould converſe, and abide amongſt them, to the end his life, manners, and behaviour, might be ſeen into, and enquired after, by their carefull endeavours?

A Miniſter found able for gifts, is to be ſent to the pariſh, that his life may be examined, and to have the conſent of the people.

Fiftly (the people within a time to be perfixed, not making and proving before the Magiſtrate, any juſt exception againſt his life, manners and converſations) whether it were not then meete, and convenient, that the Biſhop with ſixe other Miniſters or moe of the ſame Deanrie, authorized by the King, as aforeſaid, under ſome paine, and within a certaine time, ſhould be bound (in the preſence of the Elders and people, and in the ſame Church, with faſting, prayer, and laying on of hands) to ordaine and dedicate him to the Miniſterie, and Paſtorall charge of that Church.

A man allowed for gifts and Converſation, is to be ordained with prayer, faſting, and laying on of hands.

Laſtly, theſe things being thus finiſhed, whether it were not then meet and convenient that the Biſhops with the other Miniſters,

A Miniſter to be inducted into the Church, by the Kings Writ.

sters, and some of the chiefe of the people, should give the partie ordained, a testimoniall under their hands, or under some authenticall seale, to certifie the Kings Officer of the execution of his writt; and that the Patron also should present the same person to the Kings officer, humbly praying the same officer, by authoritie to be derived from the King, to cause him by some other writt, to be confirmed, and really inducted, into the possession of the same Church, and into the Mansion-house, glebe-land, and other profits Ecclesiasticall to the same appertaining.

To execute the premisses no dangerous attẽpt.

Oh! but this were a strange kinde of innovation, and a dangerous attempt to alter lawes setled, especially in a setled estate of the Church. Well, well, let my Lords of the Clergie sing this song, and pipe this melodie at their pleasure. How be it, forasmuch as this platforme, in some part thereof, hath already been agreed upon by divers Cõmittees in Parliament; in other some part thereof, by laws already setled, ought to have been practised; and that in other some part therof is an advancemẽt of the Kings authoritie, which last part also is lively pourtracted out unto us, by presidents from the Archb. & B. themselves, we shall through the grace of God, and favor of the King, be able well enough, quite and cleane to wipe away all the spots of this calumniation. And first, touching the intimation, and supplication to be made unto the King, that his Highnes would be pleased to command every Minister to be presented by the Patrone, ordained by the Bishop and Ministers, and elected by the people; and that the King, being certified by them of the execution of his writt, should upon their Testimoniall, by another publike writt, cause the Clerke ordained, to be confirmed, admitted, and inducted to the reall possession of the temporalities of the benifice; This manner (I say) of intimation, petition, testimoniall, and admittance, in substance and effect, differeth but little from the forme of the petition, nomination, election, investiture, confirmation, and consecration of the Archbishops, and Bishops of this Realme. For whensoever the Church of *Canterburie*, *Winton*, or other Bishops Sea becommeth destitute of a Pastor, doth not the Deane and Chapiter of the same Sea, intimate unto the King their want of a Bishop? and doth not the same Deane and Chapiter, humbly supplicate his Majesties favour and licence to elect another? and doth not the King, upon their supplication, by Letters Patents under his great Seale, favourably grant their petition; willing them, *ut talem eligant in Episcopum & Pastorem, qui Deo devotus, & Ecclesiæ suæ necessarius, nobisq; & regno nostro utilis & fidelis existat?* And with the same

Petition and intimatiõ to the King, agreeable to lawes setled.

25. H. 8. c.

Letters Patents, doth not the King ſend a letter miſſive, containing the name and commendation of the perſon to be elected? After the election finiſhed, doth not the Deane and Chapiter intimate the ſame alſo unto the King, and humbly againe pray the King, to yeeld his Royall aſſent to the Lord elected? Whereupon doth not the King againe direct his Letters Patents of warrant tothe Archbiſhop, or ſome other, whom the King ſhall appoint, to performe all things which accuſtomably are to be done, appertaining to his confirmation, and conſecration, according to the lawes and ſtatutes of his Realme of *England*? Laſtly, the conſecration and confirmation being finiſhed, and the Biſhop having done his homage, and ſworne fealtie, is not the Kings writt out of the Chancery directed to the Eſcheator, to reſtore unto him, the temporalities of the ſame Biſhopricke? Yea and may not the Biſhop alſo, if it pleaſe him, procure another writt out of the Chancery, directed to his Tenants, commanding them to attorne, and to take him for their Lord?

Now then, in this platforme, whereof mention hath been made touching the placing of a Parochiall Paſtor (any Parochiall Church with cure of ſoules being void) when it is craved that the people of the ſame pariſh, might intimate their want unto the Kings officer, and that the ſame officer might command the Patron to preſent, the Miniſters tō ordaine, and the people, according to the Kings lawes, to aſſent unto, and approve the Clerk; what other intent or meaning have wee then, that the King hath as ample, and as lawfull a power to command a Miniſter to be preſented, ordained, and elected to be a Paſtor in a parochiall Church, as he hath to command a Biſhop to be elected, confirmed, and conſecrated to an Epiſcopall ſea? And are we not then merveilouſly giddy-headed, new fangled, and ſtrange innovators? Againe, when wee deſire, that the King at the humble ſuite of the Miniſters, the Patron and the people would be pleaſed, to confirme and admit the Patrones Clerke, in, and to the temporalities of a Benefice, what other thing is required, but that the poſſeſſion of no Church ſhould be delivered unto any Miniſter, without the Kings publike writt. And would not this breed a perillous ſturre, garboyle, diſcord, and contention, when the Archdeacons pretie ſignet, as Dagon falling downe before the Arke, ſhould give place, bow downe, and doe reverence unto the Kings of *England* ſeale at armes?

The King hath as large a power to command a Miniſter to be elected and ordained, as a Biſhop, to be choſen and conſecrated.

Oh! but in this platforme, there be other dangerous innovations and alterations, not to be attempted: Yea? And what then be they? The Admonitor himſelfe, in his admonition holdeth: Yea Maſter

The Prophets ought to be tried by the prophets.

Bilson, and all other supporters of the Hierarchie defended, That the Clergie ought to judge of the Clergie, and that the Prophets ought to be tryed, examined, & ordained, only by the Prophets, and that the spirits of the Prophets are subject to the spirits of the Prophets. Wherin the cõsisteth the disagreemẽt & variance between us & them, touching the ordination of a Prophet, by Prophets, or a Minister, by Ministers? certes to my understãding, there is no other matter of dissonancie in this case, but even alonely this: *viz.* That he by these words (the Spirits of the Prophets are subject to the Prophets) intendeth that the Spirits of many Prophets, touching their triall, examination, and ordination, are subject to the spirit of one Prophet, and that therefore one Prophet by his owne spirit may trie, examine, and ordaine many Prophets: Whereas on the other side, we affirme, that one Prophet, according to this rule of our holy faith, is to speake, and the other Prophets are to judge, and that no one Prophet may trie, examine, or ordaine many Prophets: Because from this place, we gather, that the spirits of many Prophets in the ordinary course of the ministerie of the Word, were never subjected in this case to the spirit of one Prophet. But in this platforme there is no mention made of the King, if hee be patrone, neither is there any institution spoken of; and then how can any action of *quare impedit*, be brought, to try the right, if two Patrons pretend title to the Patronage: besides the Patron by this platforme must fetch his Clerks only from the Universities, Schooles of learning, and Nurseries of the Ministerie, whereas now hee hath libertie, to present any Clerke whersoever or howsoever ordained: Againe, strife and contention may arise in the Presbyter, between the Bishops and the Ministers themselves, appointed to be examiners, and ordainers, which of the two Clerks nominated by the Patron is most worthy to be preferred. If both the Patrons Clerks for non-abilities, or criminousnes, be refused, who shal then nominate, and to whom shall the election devolve? And lastly, what if the B. & Presbyter shall disallow one for unabilite, wch indeed is notwithstanding, of abilitie to teach? to all these difficulties, thus we answer.

Corinth.

Whether the spirits of many Prophets subject to one, or of one to many.

If the Kings Majestie be Patrone, to any benefice with cure of soules, because we judge and confesse him, to be a King, endowed with a rare and singular spirit of zeal, for the glory of our God, with an excellent spirit of love, for the salvation of the soules of his subjects, & to be the *Nehemiah* of our age, sent unto us from above, for the building of the walls, & reedifying of the ports of the House of God, which were broken down & devoured: we for our parts doubt

Touching the Kings patronage.

nothing at all, nay rather we moſt certainly perſwade our ſelves, his Highneſſe having once beene pleaſed, to preſcribe all wholeſome and commendable Lawes, unto his people, will alſo vouchſafe, much more to preſcribe lawes, yea and to be a Law unto himſelfe. And that his Majeſtie will ſet this buſineſſe of the Lords houſe, ſo neare unto his Kingly and Chriſtian heart, by the planting of able Miniſters in all the Churches, of his Highnes Patronage, as that all other Patrons, by his godly example, will be excited readily to walke in the Kings path, to weare the Kings colours, and to become the Kings chief favourers in this so holy a worke. And therefore touching the Kings Patronages, *cum Magiſtas imperatoria, I gibus eſſe ſoluta videatur*, we commend them wholly to the Kings moſt Chriſtian care, providence, and fidelitie.

H. de ley & fidei. 31. ex imperfecto.

The Bps. inſtitution may ceaſe.

The Bishops inſtitution, and writ of *Quare impedit*, wee grant muſt ceaſe: but in place of inſtitution, the election and ordination by the Presbiterie ſucceedeth: and the Clerke nominated by the Patron, elected and ordained by the Presbyterie, ſhall have *idem jus, ad Eccleſiam, & in Eccleſia*, which in former times, the Clerk preſented by the Patron, and inſtituted by the biſhop, was wont to have.

If ſuit fall out between two patrons what then may bee done.

If any ſuit in law, happen for the right of Patronage, between two or more Patrons, pretending title to the gift of one benefice: It ſeemeth that this gift might have far eaſier, and more ſpeedy way of triall, by ſome other writ, than by the writ of *quare impedit*; for upon this writ many times by negligence, or unskilfulneſſe of the Atturnies it falleth out, that one of the parties is driven ſometimes to ſit down by great loſſe, and not to have his title tryed at all, only for want of ſome ceremoniall form, not obſerved in the pleadings of the cauſe: And therefore both Patrons, within the time to be limited by the kings writ, having nominated their Clerks, to the Presbyterie, as heretofore they preſented to the B. we leave it to be conſidered, whether it were not meet, and convenient, that the Presbyterie ſhould wholly defend the election, and ordination, of either their Clerks, untill the right of patronage were finally adjudged before the K. Juſtices at the common Law: upon which judgement paſſed, they might then without ſcruple, or impediment, proceed to the full election, & ordination, of that patrons Clerk, for whom the judgment was given. By which manner of tryall, if the action might bee brought in the name of patron againſt patron, the Clerkes ſhould not only bee freed from much obloquie, whereunto they are now ſubject, by proſecution of ſuits at law, one Clerke againſt another, but alſo they ſhould be exempted, from all expence, labour and turmoile, with

which heretofore they have incumbred themſelves; to the hinderance of their ſtudies, and decay of their eſtates, by purſuing the Patrons title, at their owne charge. Neither might the occaſion of ſuit about the right of patronage, be any let or hinderance that the Church in the meane time ſhould be left as a Widow deſtitute of an husband. For any one of the Clerkes nominated by either of the patrons, might be appointed by the presbyterie, to preach the Word, and publikely to pray, untill the controverſie were ended. And out of the fruits alſo of the ſame Church, remaining in the cuſtodie of one of the patrons, or ſequeſtred by the king to the uſe of the next incumbent, he might have ſuch allowance, as were requiſite for the time of his continuance in that place. And for the Sacraments, if any were of neceſſitie to bee adminiſtred, ſome other Miniſter neare adjoyning, might be provided to adminiſter the ſame, as in many places, it hath been, and is now daily uſed, in like caſes of vacancie.

The curbing of a patron with too hard a bridle anſwered.

That the Patron ſhould be curbed with too hard a bridle, as being barred to fetch his Clerks from any other place, than from the Vniverſities or other Schools and nurceries of learning, is a matter, if it be well weighed, of leſſe importance, than the Admonitor would inſinuate the ſame to be. Firſt it is not of neceſſitie required, that all patrons ſhould at all times fetch all their Clerkes, from thoſe places and not from elſewhere. For many times it may happen upon juſt cauſe, (for the benefit of the Church) that a Clerk already ordained, and placed in one Church, may be removed from the ſame, to another. But only the meaning is according to the Lawes and canons alreadie ſetled, that the greateſt part, of the patrons Clerks, muſt of neceſſitie be called thence, becauſe they can not elſewhere be had.

Now then whereas the law intendeth every Church to be a wife and to have an husband; to be a bodie, and to have an head; the law as a parent unto the Church hath provided, untill ſhe be widow indeed, that no husband be provided for her. And therefore by ſundry as well ancient Decrees, as by Canons of Diſcipline, made and publiſhed by the Biſhops 1571. it is decreed and confirmed, That the Biſhop ſhall lay his hands on none, or at any other time, but when it ſhall chance ſome place of miniſtration is voide in the ſame Dioces. As for ſtipendarie Curats it is expreſly againſt the policie of our Church, that any ſhould be ordained a Miniſter, to ſerve only as an hireling. From which Decrees and Canons, already ſetled (as I ſaid before) it followeth for the moſt part, that the patrons Clerks to be ordained, of neceſſitie muſt be called from the Vniverſities; or o-

Ex: de prebend. c. cuis l. 6. de prebend. ſi Epiſcopus.

ther

ther places of learning. For if every place of miniſtration, be full, and none muſt be made a Miniſter untill ſome place be void, then albeit ſome patrons, upon good cauſes to be allowed by publike diſcipline, might be permitted to nominate ſome Clerkes already placed in adminiſtrations: Yet in the end, as well the patrons of thoſe Churches, from whence theſe are to be removed, as other patrons alſo, (many benefices at one time being void) muſt of neceſſitie, ſeek out men, to be ordained, which never were ordained to the miniſterie before. And where are theſe to be ſought, if not only at the Vniverſities, or other Schooles and nurſeries of learning? For that prophets in the ordinarie time of propheſying, ſhould bee taken from the feet of the Apothecaries, Taylors, Drapers, Milners, Mercers, or from the butry, pantry, kitchen, celler, or ſtable, of any Biſhop, Peere, Knight or Gentleman, and not from the feet of the prophets, is a thing abominable, and odious unto God, and man. Wherein then, doth this platforme, in this point of fetching Miniſters, only from the Vniverſities, or other places of learning, differ from the intendment of lawes ſetled? Or wherein can the patrons receive any detriment by ſuch a practice? Nay they are ſo far from receiving any prejudice hereby, as indeed both they and their Clerks ſhall reape great commoditie by it. Wherein I grant ſome diſcrepance, to conſiſt betweene the Bb. practice, and this platforme. For the Bb. at one time, allow a Clerk for abilitie, and at another time, diſallow the ſame Clerk for nonabilitie. And him whom they have ordained, and adjudged, to day, worthy of an office, they many times diſordaine him to morrow, and refuſe him as a perſon unworthy, to poſſeſſe a benefice: Whereas on the contrary part, wee think it very abſurd, and unreaſonable to barre any man from a benefice, whom the Governours of the Church ſhall judge worthy to beare an office. So that the patrone by this platforme, ſhall be ſure, if at any time hee nominate a Clerke alreadie ordained, that the ſame Clerke (unleſſe it were for Crime, or ſome defect after happening) ſhould never be refuſed. And if ſuch be the lawes and liberties of the Ordinaries, what alteration of the law, or prejudice to the patron, could it be, if by a new law, the King provided new meanes, to put his old lawe, in due execution?

Prophets in the ordinary time of propheſying to be taken out of the ſchooles of prophets.

The difference betweene the platforme and the biſhops practice.

If upon difference of judgment, any variance ſhould ariſe, betweene the Miniſters appointed to elect, and ordaine, which of the patrons Clerkes were moſt worthy, the ſame diverſitie wee aſſure our ſelves, can breed no greater inconvenience, nor further danger, than doth now daily fall out in the election of Schollers, fellowes, and

Vpon difference of judgment about the abilitie of a Clerk what may bee done.

heads of houses, in the Vniversities, or of other Officers in Colledges, Cathedrall Churches, and bodies politike or corporate. As those controversies therefore have beene, and are appeased by the good orders and laws of those places, even so might these also. And therfore some good law might be made to this effect, *viz.* If any foure of the seven did agree together, upon any one Clerke nominate by the patron, that the same foure should strike the stroke, and make the election good, against the other three. Neither doe we think it to stand with reason, that the Archipresbyter, or any other Minister among the seven, should necessarily be of the *quorum*. For if any one of the seven, should necessarily be of the *quorum*, then (having, as it were, a negative voice against all the rest) if he should be wayward, and apt to contention, he might then alwayes frustrate the election, either by opposing himself to all the rest, or by inclining to the lesser, and worser part, as lately came to passe about the election of a Scholler, among great Doctors. If both the Patrons Clerks, should bee disabled by those, unto whom the judgement of their nonabilitie did appertain, we leave it to be considered, whether the right to nominate, elect, and ordain, for that time only, might not hereafter devolve unto the presbyterie, as in like case it hath done heretofore unto the Bishops. And from that Presbyterie, if the same should make default, that the benefice, should be then in lapse unto the king.

A Clerke refused for nonabilitie to whom the nomination may devolve.

A Clerke wronged by a refusal for nonabilitie how he may be relieved.

Lastly, touching the nonabilitie of a Clerke: if the Clerke whom the presbyterie should refuse, come from one of the Vniversities, then as a Clerke before time refused for nonabilitie, by the Bishops was to be tried by the Archbishop, and by him to be allowed, or disallowed, so in this case we leave it to be considered, whether it were not meet that this Clerke so refused, and complaining himselfe unto the Magistrate, to be wronged, should have his abilitie to be again tried, by that next Synod of Ministers to be congregated within that Deanry. And if upon tryall made, and bringing a testimoniall under some authentike seale, from the Synod, of his abilitie: whether the Presbyterie, upon a good paine within a time to be prefixed, should not be constrained, to ordaine and dedicate the same Clerke, to the Ministerie of the same Church. And as for the refusall of a Clerke by the Presbyterie, upon objection of crime, if the crime be so hainous as for which by the Canons of the Church, hee might not bee promoted, to the Ministerie, then is it to be considered, whether the presbyterie in this case also, as in the former of nonabilitie, might not nominate, elect, and ordaine, the Clerke to that place, for that time only? and upon the presbyters default, the lease also to be unto the king.

A Clerk refused for crime to whom the nomination may devolv

And

And thus have we compared, the manner of Church government, now in uſe, touching theſe points, with that forme of Diſcipline, which is deſired to bee planted. By which comparison the Kings Highneſſe, may very eaſily diſcerne, the differences betweene them, to be ſuch, as whereby the Kings dignity and prerogative, ſhall highly be advanced, the Kings poore ſubjects, both Miniſters and people, diverſe wayes eaſed, and unburdened, and the Lawes better obſerved, to the unſpeakeable peace, and tranquillity, both of Church and Common-Weale. The Prophets tryall of the Prophets; the peoples approbation of their Paſtours; the Miniſters entrance into their Miniſtery, according to the Apoſtolicall practice of the Primitive Church, would be a meanes utterly to extinguiſh, that ſchiſme, that remaineth yet among us; that we have no Chriſtian Miniſters; no Chriſtian Sacraments; no Chriſtian Church in *England*. Beſides, the Miniſters, for Letters of Orders; Letters of Inſtitution; Letters of Inductions; for Licences to ſerve within the Dioceſſe; for Licences to ſerve in ſuch a cure; for Licences to ſerve two cures in one day; for Licences to preach; for Licences of reſignation; for teſtimonials of ſubſcription; for Letters of ſequeſtration; for Letters of relaxation; for the Chancellours, Regiſters, and Somners dinners; for Archidiaconall annuall, and for Epiſcopall triennall procurations, the Miniſters (I ſay) to be nominated, elected, ordayned, approved, confirmed, and admitted, by the Patron, by the Presbytery, by the People, and by the King, ſhould be disburdened, from all fees, for theſe things, and from all theſe, and ſuch, and ſuch like grievances. Onely for the Kings writts, and for the traveile and paines of His Highneſſe Officers, taken in, and about the execution of the ſame writts, ſome reaſonable fees, (as it ſhall pleaſe the King,) may be taxed, and ſet downe. The people alſo in ſoules, in bodies, and in their goods could not be much comforted, relieved, and benefited. They ſhould not henceforth to the perill of their ſoules, have unlearned, unable, and undiſcreete Miniſters thruſt upon them, and ſet over them: Neither ſhould they bee compelled, upon light occaſions, to take many frivolous oaths in vaine. They ſhould not bee ſummoned, from one end of the Dioceſſe, unto the other: nor be poſted from Court, to Court, and from viſitation, to viſitation. The Church-Wardens, and Side-men of every Pariſh, ſhould not upon paine of excommunication, be conſtrained, once, or twiſe in the yeare, to pay ſix or eight pence, for a ſheet of threehalfepeny articles. They ſhall not any longer, out of the common treaſury, reſerved for the poore, beare the charge of their Pariſhes for making bills, viſitation and di-

The benefits enſuing the place, form of ordination, &c. required.

verse other expenses. There should be no more suits at Law, between Clerke and Clerke, about the Patrons Title; no more suites of double quarrell, betweene the Clerke and the Bishop; no more debate betweene the Bishop and the Arch-deacon; and lastly there should bee no occasion of any riots, and unlawfull assemblies to bee made upon entries and possessions, by vertue and colour of two presentations, two institutions, and two inductions, into one benefice, at one time. The Patrons as being Lords and avowers of the Churches, might have the custody of the Churches, during their vacancies, and their ancient right, in this behalfe, restored. All swearing of Canonicall obedience unto the Bishops by the Ministers: all swearing, and forswearing of Clerkes, for any symoniacall bands, promises, or agreements, betweene them and their Patrons, and all robberies and spoyling of the Churches, by the Patrons, should determine and cease. Especially if it might please the King and Parliament, to have one clause of a Statute, against abuses, in election of Schollers, and presentation, to benefices enlarged. For although every corrupt cause, and consideration, by reward, gift, profit, or benefit to present, be inhibited by that act; yet notwithstanding by experience in many places we finde, that the Patrons for small rents, and for many yeeres, are in possession, some of the mansion houses, some of the glebe lands, and some of the tythes, of such benefices as since the publishing of that act, have beene bestowed upon Clerkes: which breedeth great suspicion and jealousie in the mindes of men, that the Clerke and Patron at the beginning directly or indirectly, did conspire to frustrate and delude the intendement of the Statute; And therefore wee leave it to bee considered by the Kings Majesty and Parliament. If any Clerke after confirmation and possession to any benefice, hereafter to bee made and given unto him, shall willingly and wittingly, suffer the Patron of the same benefice, or any other person, in his name or to his use, directly or indirectly, mediatly or immediatly, to use, occupy, or enjoy, the mansion house, glebe land, or other ecclesiasticall commodities, or any part thereof, belonging to the same Benefice: In this case (I say) we leave it to be considered, whether it were not meete and convenient, that every such willing and witting sufferance by the Clerke, and every such willing, and witting possession, use, or occupation, by the Patron, should not bee adjudged, to bee a just cause, to determine the presentation, to have beene first made upon corrupt respect, and consideration. And that therefore the Clerke, *ipso facto*, to lose the benefice, and the Patron, *ipso facto*, to forfeite his

31. Eliz. c. 6.

A means to restrain patrons from corruption.

beright of Patronage to the King, for the two next turnes following. And theſe being the principall reaſons, and grounds of our deſires, wee are humbly to pray the Lords ſpirituall, either to convince them of indignitie, inſufficiency, and incongruitie, or elſe to joyne with us unto the Kings Majeſtie, for the reſtitution of that manner of Government, which they themſelves confeſſe to have beene practiſed, at the beginning by the Apoſtles and Primitive Church: but the Admonitor hath yet moe reaſons unanſwered againſt this platforme.

ADMONITION.

That every Pariſh in ENGLAND *may have a Learned and diſcreet Miniſter, howſoever they dreame of perfection, no man is able in theſe dayes, to deviſe how to bring it to paſſe, and eſpecially when by this change of the Clergie, the great rewards of Learning, ſhall bee taken away, and men thereby diſcouraged, to bring up their Children in the ſtudy of good Letters.*

ASSERTION.

In ſome part to juſtifie this opinion, I grant, that no man is able in theſe dayes, to deviſe, to bring it to paſſe, that every Pariſh ſhould have a Learned and diſcreet Miniſter. And why? becauſe in theſe dayes not any one Biſhop hath afforded, to ordaine one Learned and diſcreet Miniſter, for five Pariſhes; ſecondly, becauſe where ſome of the Reverend Fathers, have ordained and placed in many Pariſhes, many Learned and diſcreet Miniſters, ſome others of the ſame Fathers, have againe diſregarded, and diſplaced thoſe learned and diſcreet Miniſters, and in their roomes have placed

placed many unlearned and undiſcreet Miniſters. Now then if theſe dayes wherein ſo few learned and diſcreet Miniſters, and ſo many unlearned and undiſcreet Miniſters be ordained, and wherein alſo, ſo many learned, and diſcreet Miniſters are diſgraced, and ſo many undiſcreet and unlearned Miniſters graced: If theſe dayes (I ſay) were ended, then albeit no perfection, whereof never any one of us dreamed, could be attained unto, and albeit no one man were able to deviſe, how to bring it to paſſe, that every Pariſh ſhould have a learned Miniſter: Yet nevertheleſſe, all good and holy meanes being uſed, to ayme and to ſhoot after perfection, and all good and holy men laying to their heads, and applying their hearts to further this enterprize, and ſervice unto God, we know that the Lord might call, and make, and fill with the Spirit of God in wildome, and in underſtanding, and in knowledge, and in ſpirituall worke-manſhip, many *Bezaleels*, and many *Aholiabs*, ſpiritually to carve, grave, and imbroyder the Lords ſpirituall Temple. The perfection therefore after which we long, and the change of the Clergie, whereof we intreate, is but ſuch a perfection, and ſuch a change, as (good meanes for the reſtitution of impropriations being uſed) may eaſily be attained, and well made. For the perfection required by us, to be in a Miniſter, is none other than ſuch as the holy Law of God, and the Lawes, Canons and Injunctions already ſetled, doe require, *viz.* that every Miniſter, to whom cure of ſoules is committed, with ſome competent knowledge, according to the meaſure of the grace, of the gift of Chriſt, be able to teach, to exhort, and reprove the people, yea and to convince the gainelayers, if any ſhould ariſe among them. From whence alſo ſpringeth the change intended by us: *viz.* that in the Churches of all Miniſters, unable to teach, *&c.* There might bee a change of Miniſters able to teach, *&c.* Wherefore if the Admonitor meant otherwiſe then wee intend, and if upon placing a learned and diſcreet Miniſter in every Pariſh, he ſhould not intend, the change of the High and Papall ſtate of Prelacy: then either is not his anſwer pertinent to the queſtion, or elſe it muſt neceſſarily follow, from his intendment, that the high and Papall ſtate of Prelacy, and the placing of a learned and diſcreet Miniſter in every Pariſh, are like unto Coleworts planted among Vines, or unto Parſly ſowed among Biſhoppes Weed, which will never ſpring, grow, and proſper together. Becauſe the riſing of ſuch a Learned Miniſtery muſt bee the fall, ruine, and breake-necke of Prelacy. And this followeth inevitable upon his owne reaſon, drawne from the taking away of the great rewards of learning, by the change of the Clergy.

What perfection of a Miniſter is required by this platforme.

Prelacy & a learned Miniſtery cannot ſtand together.

For

For the great rewards of learning, whereof he ſpeaketh, muſt of neceſſitie be the Prelacies, *viz.* Arbiſhoprickes, Biſhoprickes, Deanries, Archdeaconries, Prebendaries, Canonries, Chanterſhips, Commendames, non Reſidencies, and Pluralities. And then let us obſerve, whether in effect he hath not reaſoned thus: If prelacies (being the great reward of learning) ſhould nor ſtand, and not be changed, there is no man able to deviſe, how a learned and diſcreet Miniſter may be placed in every pariſh: but if prelacies (the great rewards of learning) may once be changed and not ſtand, then were it poſſible to have it deviſed, that a learned and diſcreet Miniſter, might be placed in every pariſh. And then hath he not profoundly, and learnedly diſputed, when he hath preferred the Damſell before her Dame, and the maid before her Miſtreſſe? When hee hath advanced a great deale of learning in one before a great deale of learning in many, and learning in ſome places, before learning in all places; laſtly, when by continuance and furtherance of the great rewards of learning, he hath greatly hindered and diſcontinued learnedneſſe, and greatly furthered and continued unlearnedneſſe? For if Prelacies were no hinderances, but only furtherances of diſcreet and learned Miniſters; and againe if prelacies were no furtherances, but only hinderances of unlearned and undiſcreet Miniſters, to be had in every pariſh, then might the rewards of learning ſtill remaine, that men ſhould not be diſcouraged, to ſend their ſonnes to the ſtudie of good learning. For generally men be not ſo much incouraged, to ſet their ſonnes to learning, where a few great rewardes of learning are provided for a few men greatly learned, as where many good rewards of learning, are provided for many good learned men. And to ſpeake as experience teacheth us, and as the truth is, what one father among twenty, will dedicate his ſonne, to learning, if men (as the caſe now ſtandeth under prelacie) not brought up at the feet of *Gamaliel*, but at the feet of ſome twaſh-buckler; not taught from any Doctors chaire, but ſchooled upon ſome crafts mans ſtoole, when men who can but reade, and cannot preach, may be Miniſters and capable of the fatteſt benefice; within a whole Countie? In the Common-weale, if there bee many places of honour, profit, and dignitie, for ſuch only as have valiantly ſerved the King in his wars, or carefully attended upon him in the Court, then will many fathers incite and incourage their ſonnes to prepare and furniſh themſelves to the warres, and to the Court. But if all mens ſons in the Camp, and in the Court bee capable of entertainments alike; if as well a labourers ſonne following the Carr, as a no-

Men are more encouraged to learning, where many good rewards than where few great rewards are provided.

ble mans ſon a waiter in Court, may be the Kings Lord Chamberlaine, in time of peace; and if as well a Carpet Knight, as a valiant warriour, may be Lord generall in time of warre, would any father for many yeares together, coſtly, and gorgeously brave his ſonne at Court; or would any father adventurouſly, and dangerouſly hazard his ſon in the field? Again, fathers doe not therefore ſend their ſons to be ſtudents, at the Innes of Court, or to be apprentiſes in the City of *London*, only in regard, that they may bee all great Citizens, and all great rich men, and all great Lawyers, and all Judges of the Land. It ſufficeth all parents, and the purpoſe and intent of all parents is, that their ſons being ſuch Lawyers, and ſuch Citizens as by their law, and by their trades, they may thrive, and live Barreſter-like, and Lawyer-like; Marchant-like, and Citizen-like, though they be not able to live Serjeant-like, or Judge-like, Alderman-like, or Lord-like. In like ſort queſtionleſſe, would it be an excellent incouragement, to many fathers, to ſend many ſons unto many Schooles and Vniverſities of learning, if ſo be there were many and good rewards, rather than few and great rewards provided for many, rather than for few learned men in the Church. For if there be but few rewards, albeit the ſame be great, then but a few fathers among many, will adventure the ſpending of their ſubſtance, upon a vaine hope, that their ſons ſhall obtaine great rewards of learning. For what father knoweth the capacitie, and diligence of his ſon? Or who can divine that his ſon, ſhall be one among the number of a few men greatly learned, worthy of a great reward, and to live Deane-like, Archdeacon-like, Biſhop-like, or Archbiſhop-like? Wherefore if ſuch a change of the Clergie, as whereof wee ſpeake, were made, that is to ſay, if an unlearned, and undiſcreet Miniſterie, were changed into a diſcreet and learned miniſterie: it is not to be doubted, but a farre greater number of ſons, would be ſent by their fathers, to the ſtudie of good learning, than now there be.

Prelacy the bane of a learned miniſterie.

From whence alſo it followeth, that either Papall Prelacie is the only bane of a learned Miniſterie, or elſe that an unlearned Miniſterie, is the untimely fruit of the wombe of Papall Prelacie. Both which twaine, rather than one of which twaine, being true, we leave it to be conſidered, whether the mother conceiving too ſoon, or the daughter borne out of time, or both as an after-birth, and ſuperfluous members ſhould be caſt away, and cut off from the body of the Church? The admonitors next argument, is drawn from the ſmall continuance in the Vniverſities.

Admonition.

Furthermore who ſeeth not, how ſmall continuance there ſhall be in the Vniverſities to make men of any profound knowledge, when the very neceſſitie of places, ſhall draw men away, before they come to any ripeneſſe or profound knowledge, &c.

Assertion.

This argument is as an headleſſe arrow ſhot againſt a corſlet of ſteele, out of a bow unbent, for what can this argument pierce, when in effect the concluſion is thus:

If every pariſh ſhould have a learned and diſcreet Miniſter, then men ſhould have but ſmall continuance in the Vniverſitie, to make them men of ripeneſſe, or of any profound knowledge,

But that men ſhould be of ſmall continuance in the Vniverſitie, and ſhould be drawn away, before they come to ripeneſſe or profound knowledge, is not meet.

Therefore it is not meet that every pariſh ſhould have a learned and diſcreet Miniſter.

The reaſon of which conſequence is thus: *viz.* The very neceſſitie of places (ſaith hee) ſhall draw men away before they come to any ripeneſſe: The learnedneſſe then, and diſcretion, of a Miniſter, by his reaſon, dependeth upon his long continuance in the Vniverſitie. And what ſhall we then ſay of the learnedneſſe and diſcretion, of ſuch Miniſters of the Biſhops making, as did never continue in the Vniverſities, one day in all their whole life; but hereunto they anſwer, that the very neceſſitie of the one, is ſo great, as that the people muſt have prayer ſaid, and the Sacraments adminiſtred, leſt the people in the countrey ſhould grow to an heatheniſh barbaritie: unto which anſwer, againe I reply and reaſon thus: if a man of unlearnedneſſe and without knowledge and ripeneſſe, may be a Miniſter, then a man of ſmall learnedneſſe, of ſmall knowledge, and of ſmall ripeneſſe, may be a Miniſter much more; and againe: Page 12.

If neceſſitie of places may draw men of no continuance in the Vniverſitie, of no knowledge, and of no ripeneſſe, into the Miniſtrie: then may the neceſſitie of places draw men of ſmall continuance, knowledge, and ripeneſſe,

But the neceſsitie of places may draw men of no continuance, knowledge or ripeneſſe into the Miniſterie:

Therefore the neceſsitie of places may draw men of ſmall continuance, knowledge, and ripeneſſe, into the Miniſterie.

The ſecond propoſition or which ſyllogiſme, is confirmed by practice, and precept, by word, and by deed, of moſt of our reverend Biſhops. And then from their owne practice, I argue thus: if the neceſſitie of ſaying prayers, of reading ſervice, and of deliverie of the elements, be of neceſſitie, and of neceſſitie require unlearned Miniſters: rather than no Miniſters: then much more the neceſſitie of having faith, the neceſſitie of the ſalvation of our ſoules; and the neceſſitie of God his glorie, is of neceſſitie; and being of neceſſitie requireth Miniſters of ſmall learning, of ſmall continuance, of ſmall knowledge, and of ſmall ripeneſſe: rather than Miniſters of no learning, no continuance, no knowledge, and of no ripeneſſe. And if faith, ſalvation of men, and the glorie of God, as ſoundly, and as ſincerely may be preached and promoted, by young and rude *Timothy*, as by aged, learned, and eloquent *Apollo*, what neceſſitie is there of continuance in the Vniverſitie, to obtaine more profound knowledge, or any other riper underſtanding, than is that knowledge, and that underſtanding, whereby faith to the ſalvation of men, and to the glory of God, is of neceſſitie to be preached? Again, if by continuance in the Vniverſitie, profound knowledge, and ripeneſſe, be ſo neceſſarie, that (as is pretended) in reſpect thereof, a change of the Clergie may not be made, and that unlearned, and undiſcreet Miniſters, as it were by neceſſitie, ſhould ſtill bee placed; then ſeemeth it reaſonable, to move the L. Bb. that it would pleaſe them to effect an aboliſhment of ſome of the ſtatutes, of all the Colledges in *Oxford* and *Cambridge*: whereby all Maſters of Art, of what youth, ignorance, or rudeneſſe ſoever they be (excepting ſome ſmall number, which by order of their foundation, he put apart to the ſtudie of Law or Phyſick) ſome after two, ſome after three, and ſome after foure years of their commencement, are compelled either to enter into the Miniſterie, or to leave their fellowſhips: Nay in ſome Colledges, if Bachelers of arts bee choſen fellows, and bee not Miniſters after one yeare, by ſtatute they loſe their places. The principle reaſon of the founders of all which ſtatutes (to my beſt remembrance) is this: namely that the harveſt being great, and the labourers but few, many labourers, ſhall be ſent from thoſe Colledges, into the harveſt. Neither can it be intended, that many labourers of long continuance, many labourers of profound knowledge, or many la-

Faith more neceſſary to be preached than the ſacraments be adminiſtred

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bourers of ripeneſſe ſhould be ſent. But it is ſimply provided, that many labourers, and not loiterers ſhould be ſent, and yet now the Admonitor rather than that ſome loiterers ſhould not be ſent, contendeth to ſeclude ſome labourers from the worke. Beſides, how can they be of any long continuance, of any ripeneſſe, or of any profound knowledge, in the myſteries of faith and godlineſſe, when not having accompliſhed the age of 24. years, 26. or 28. years at the moſt, and not having given themſelves above 2. 3. or 4. years at the moſt, to the ſtudie of divinitie, nay which after the ſtudie of 3. or 4. years of Philoſophy or arts, and no ſtudie of Divinitie, muſt notwithſtanding enter into the miniſterie? wherefore from the ſtatutes of the Colleges in the Vniverſities I thus diſpute: If the neceſſitie of the College ſtatutes, doe compell:

All Maſters of Arts before mentioned, and ſome Bachelers of arts not having any profound knowledge, or being but of ſmall continuance, or not of any ripeneſſe, either to leave their Colleges, or to enter into the Miniſterie, then much more the neceſſitie of preaching faith, the neceſſitie of being ſaved, and the neceſſitie of God his glory may compell men of ſmall learning, of ſmall knowledge, of ſmall ripeneſſe, and of ſmall continuance, to execute their miniſterie, rather than that any pariſh ſhould be neceſſarilie clogged with a Miniſter of no learning, of no diſcretion, of no knowledge, of no ripeneſſe, and of no continuance.

But the neceſſitie of the College ſtatutes doe compell the one,
Therefore the neceſſitie of Faith, &c. may compell the other.

ADMONITION.

Againſt the inconvenience of diſcipline, by excommunication onely (which hee ſaith we ſo much cry for) hee telleth us Page 80
that ſome learned men of this age have at large declared in their works ſet forth to the world, that the ſame will bee of moſt men contemned, and that it will be of ſmall force to bring to effect any good amendment of life.

ASSERTION.

But who taught him to father, or to faſten this untruth upon us? only then this might ſuffice for anſwer, that hee did never yet

No diſcipline by excommunication only called for. Diſcipline by excommunication onely, no more to bee ſuffered.

heare, any one of our part, ſo much as call, much leſſe to cry for diſcipline by excommunication only. For wee ſay cleane otherwiſe, *viz*, that the Diſcipline of the Church ought not to be executed (as now for the moſt part it is) by excommunication only. This manner of diſcipline therefore, by excommunication only, is one of the diſorders in the Church, uſed by the reverend Biſhops, and which wee ſo much deſire, to bee reformed. And for this cauſe we intreat their Lordſhips, to forbeare the practice of that, which (as it ſeemeth) they would ſo faine have others to miſlike.

But happily this was not the marke whereat the Admonitor ſhot; for Biſhoply and Archdeaconly excommunication, being daily uſed, it is like that he bent his bow, and aimed at that excommunication only, which is paſtorall and Elderly. Againſt which forme and manner of excommunication, let be ſo, that ſome learned men of this age, have at large declared in their workes, ſet forth to the world, that the ſame will be of moſt men contemned, and that it will be of ſmall force to bring to effect, any good amendment of life, let this (I ſay) be granted, what of all this? muſt the Church of England therefore, diſlike and reject the ſame? God forbid. The whole doctrine of Faith and Sacraments, we know to bee of moſt men contemned, and to be of ſmall force to bring moſt men from ſuperſtitious and popiſh idolatrie. And how then is it poſſible, but that the ſword of this doctrine, ſhould have as little entertainement amongſt moſt men as the doctrine? He that caſteth away the kernell, will much more deſpiſe the ſhale: And hee that ſetteth light by the ſword, will ſet leſſe by the ſcabberd. It ſufficeth then that the children of the Church in England, ſtriving to enter in at the narrow gate, and embracing the doctrine of the Goſpell, it is ſufficient (I ſay) that they ſubmit and ſubject their necks unto the yoke of the Goſpell, for what have we to doe with them that are without? Doth the law of England endight, condemn and judge a Spaniard reſiant in Spaine?

The writings of ſom learned men not ſufficient to condemne excommunication by paſtours and Elders.

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The Admonitor himſelfe affirmeth (at the time when our Saviour Chriſt ſaid, *dic Eccleſiæ*) that there were many preſidents as it were, and governours of the Church together with the chiefe Miniſters of every congregation; nay further hee ſaith that he will not deny that the Apoſtles afterward, and the primitive Church, did practiſe the ſame.

page 135] The Bb. confeſſeth that the Miniſter and Elders, did governe in the primitive Church.

Theſe ſome learned men then, either muſt ſhew, and prove (unto us the children of God in England,) that this forme of governing the Church, and excommunicating by any preſidents and governours,

vernours, together with the chiefe Miniſter of every congregation, was given to the Churches in the time of Chriſt and his Apoſtles, but only for that time, and that therefore that form is now at an end, and ceaſed, or els it muſt be confirmed unto us, that God hath in theſe dayes altered and changed his mind touching England, and that hee hath by ſome new vision, or revelation, commanded the Reverend Biſhops in theſe dayes, to teach the Church of England, that he will not have the ſame manner of Government uſed in the Church of *England*, becauſe it would be of moſt of his Children in *England* contemned, and of ſmall force to bring to effect any good amendment of life in them: for albeit all the Learned men in the world, had declared as much in their workes ſet forth to the world, as is here ſpoken of, what were that to the children of God in England, unleſſe the ſame Learned men, had taught unto us true learning from the mouth of God? How much leſſe are we bound to regard, what only ſome Learned men of this age have declared unto us, the ſame ſome Learned men having no warrant out of the holy Booke of God for ſuch their Learning? For if the declaration of ſome Learned men of this age, in their workes ſet forth to the world, may be a ſufficient warrant to draw men from the way of truth: then hardly let the declaration of Doctor *Harding* againſt the true uſe of the Lords Supper, and then let the declaration of *Oſorius* againſt juſtification by faith, and the declarations of *Bellarmine*, againſt diverſe Articles of our Religion, and the declaration of Doctor *Allen*, againſt the execution of Juſtice in *England*, and the declaration of Doctor *Saunders*, a rebellious fugitive, in the defence of the Popes Bull, and the declaration of *G. T.* for the pretended Catholikes; and laſtly, let the declaration of the Pope, and his whole Clergy, excommunicating our late Soveraigne Lady the Queen deceaſed, bee received, and liſtned unto. For who can deny but that theſe men were ſome men, and that theſe ſome men were alſo ſome learned men, and who then ſeeth not the looſeneſſe, the vanity, the trifling, and the toying of this argument.

The opinion of ſome Learned men not ſufficient for the Church of England to depart from the word.

The Argument following which the Admonitor would ſeeme to let paſſe, drawne from experience, is of like quality. For though experience (as hee ſaith) teach that men of ſtubbornneſſe, will not ſhun the company of ſuch as bee excommunicated, and though ſuch men of ſtubbornneſſe, muſt be alſo (as he ſaith) excommunicated, for keeping of company with them, yet to affirme, that by meanes of Paſtourly, and Elderly excommunication, moe will bee excommunicated, as being men of ſtubbornneſſe, than in communion,

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By excommunication of Paſtors and Elders, moe can not bee out of communion than in communion.

on, is a very groſſe, and palpable errour. For we hold (as the truth is) that the greater part of the Church cannot be excommunicated by the leſſer; nor that many ſhould be excommunicated, by a few; nor that a few ſhould bee excommunicated by one of the Church. And if the common union muſt neceſſarily conſiſt of all, or of the moſt part of the faithfull, then is the leſſer part alwayes out of this common union. For what elſe is excommunication, but *extra communionem ejectio*, a caſting forth of one, or of moe perſons from the common fellowſhip, ſociety, and company of the faithfull? The greateſt part whereof, and not the leaſt, are accompted to be the Church, and to be in communion; unleſſe then the whole Church, or the greater part of the Church, having once caſt out from among them, one or moe adulterers, blaſphemers, extortioners, or ſuch like, and having alſo excommunicated men of ſtubbornneſſe, for keeping company with ſuch, ſhall themſelves all, or the greateſt part, become children of diſobedience, and men of ſtubbornneſſe: it can not be, but there muſt be ſtill moe of the Church, in communion, than out of communion. But if the whole Church ſhall have caſt away the yoke of Diſcipline, and become ſuch themſelves, as were thoſe whom before they had excommunicated, then is it a cleare caſe, that there is not any more, any communion among them. For how ſhould any common union be there, where is no union at all? And if all bee departed from obedience, where then can the Church bee? Nay further, if the greateſt part of the Church ſhould revolt, and forſake the faith, yet hereupon it would not follow, that moe of the faithfull, be out of communion, than in communion. For then ſuch onely as remaine in the unitie of faith, and have not ſeparated themſelves from Chriſt, remaine now only to bee in communion with Chriſt: out of which number alſo, if any ſhould be excommunicated, by the reſidue of their brethren, yet even among this ſmall number, there would be ſtill moe in communion, than out of communion. For to be out of communion can not be underſtood, to bee of any but onely of ſuch as remaining in the profeſſion of faith, and godlineſſe, are yet notwithſtanding found guiltie of ſome tranſgreſſion, and for the ſame by the Church, for a time out off from the Church by ſentence of excommunication.

Theſe deformities, and inconveniences therefore, can in no wiſe follow, that Diſcipline of excommunication, by Paſtors, and Elders, which ſo much is called for. But certes, it fared (I feare mee) with the Admonitor, and ſundry of his colleagues in this caſe none otherwiſe

wiſe, than it fareth with incontinent women, once (ſay they) incontinent and ever incontinent, we know it by our ſelves. Our Eccleſiaſticall Judges and Officers, in like manner, ſeeing by experience, thoſe whom they account to be men of ſtubbornneſſe, not to ſhun the company of ſuch as they daily excommunicate; yea and they perceiving alſo, that it may fall out, that moe, under their Juriſdiction, may bee out of their communion than in communion with them, becauſe one man alone (as hee plainly inſinuateth) may excommunicate the greateſt part of the Church under his cenſure (for otherwiſe he could never have ſuppoſed, that moe would bee out of communion than in communion) becauſe (I ſay) theſe deformities, and theſe inconveniencies, by their owne experience, have beene found to have followed upon that diſcipline of excommunication, which hitherto hath been practiſed; it falleth out, that they cannot otherwiſe judge, but that all other manner of diſcipline, by excommunication, muſt be of the ſame nature and condition, that is, as deformed and inconvenient, as their owne is. And yet in this place it is worthy to be marked, what a rod the Admonitor hath gotten out of S. *Auguſtine*, to whip his owne diſcipline, by excommunication onely out of the Church, and thus it may bee framed.

By the biſhops excõmunication moe are out of communion, than in communiõ, it is therefore by his own reaſon, a deformed diſcipline.

By S. Auguſtines reaſon biſhoply excommunication hath many deformities.

That diſcipline whereby moe will be, or moe may bee excommunicated than in communion, hath in it many deformities, and inconveniences:

But by the Diſcipline of excommunication which the reverend Biſhops, their Archdeacons, Chancellors, Commiſſaries, and Officials practiſe, more will bee, or more may be excommunicated, than in communion.

Therefore that Diſcipline by excommunication, which the reverend Biſhops, their Archdeacons, &c. practiſe, hath in it many deformities, and inconveniences.

The Major propoſition (if he ſpeake truly) is S. *Auguſtines*, but whether it be or be not, it is no great matter, becauſe it needeth not the authoritie of any man to confirm it, the ſame being ſound and true in it owne nature. The Minor is drawne from his owne reaſon thus:

Where there be moe men of ſtubbornneſſe in the Church, than of obedience, and where there be more men that ſhun not, than that ſhun the

com-

company of thoſe that be excommunicated, there moe will bee, or may be excommunicated, than in communion.

But there be moe men of ſtubbornneſſe, than of obedience, and moe that ſhun not, than that doe ſhun the company of thoſe that be excommunicated, by the Reverend Biſhops, their Archdeacons, Chancellours, and Officials.

Therefore there may be, or will bee more excommunicated, by their Lordſhips, their Archdeacons, Chancellours, &c. than in communion.

The aſſumption, though I cannot warrant the ſame to bee ſimply true, yet I may ſafely warrant it, to be drawne from the Admonitors owne experience. For I let paſſe (ſaith he) that experience teacheth that men of ſtubbornneſſe, will not ſhun the company of them that be excommunicated, &c. and that they muſt bee excommunicated for keeping of company with them. And ſo it will fall out, that moe will be excommunicated, than in communion; but this laſt conſequence (ſay I) cannot follow, unleſſe he firſt preſuppoſe both his Antecedents to bee true. And therefore becauſe hee muſt needs be intended to have ſpoken of that kinde of excommunication, whereof he hath had experience, it followeth that theſe deformities, and inconveniences whereof he ſpeaketh, muſt needs be found in that excommunication, which he and his uſe. For of the other kind of excommunication, hee never yet had any experience: And then by experience he could not ſpeake. If he ſpake not of his owne experience, but of the experience of ſome other men, then have we but little cauſe to believe him, becauſe we know not what manner of perſons thoſe were, from whom he drew his argument of experience, and whether they reported deceitfully, or truly of their owne experience, or no.

Biſhoply excommunication hath many deformities

And if this argument drawn from the experience of his owne manner of Diſcipline, be of ſufficient validitie to impugne (as he weeneth) that Diſcipline by excommunication, which ſo much (as he ſaith) is cryed for, and whereof as yet hee never had experience, how much more effectuall then is this argument to overthrow that his owne manner of Diſcipline, which hee ſo long time to ſo ſmall profit, and with ſo great inconveniences, and deformities, hath ſo unprofitably practiſed? For can there bee any greater deformitie, than that one member ſhould be ſuppoſed to be the whole body, or that one man ſhould make a communitie? And yet this deformitie, by his experience, may fall out to be found even under that diſcipline,

By diſcipline of Biſhoply excommunication one may be a communitie

which every Ordinarie exerciſeth. For if by proceſſe, *Ex nuro officio*, an Ordinarie ſhould excommunicate any one of his juriſdiction, for not communicating with an idoll Miniſter, or for holding that Chriſt in his ſoule did not deſcend into hell, or for denying reading to be preaching, and withall ſhould pronounce all them to bee men of ſtubbornneſſe, which would ſhun the company of him ſo excommunicated. And for that cauſe alſo ſhould excommunicate them, as is here ſuppoſed lawfull to bee done, were it not a cleare caſe that the body of that Church muſt now bee taken to conſiſt only in the perſon of the Ordinarie, and one member to become the whole body? For if all under his juriſdiction were once excommunicated, how could then any be in communion with him: And if they all were once excommunicated, muſt not the Ordinarie then alone be the common union, and ſo make a communitie? And what a deformed kind of excommunication, then is that kinde of excommunication, whereby it may fall out, that to be one, is to be many, and that to be a Church, a companie, a ſocietie, and a fellowſhip, is to be one? of which nature, and of which kind that manner of excommunication, which by Paſtours and Elders is to bee executed, cannot be as hath already beene proved. If then excommunication now uſed bee a deformed kind of diſcipline, and therefore, as we ſay, to be no more tolerated, and if excommunication by Paſtours and Elders, be a kinde of diſcipline for the inconvenience thereof, (as he ſaith) not to be planted: what manner of diſcipline by excommunication would he have in theſe dayes, trow we? would hee have none at all? verily I ſuppoſe none at all. For ſo doe his words plainly inſinuate, by two reaſons following: Firſt (ſaith he) the looſeneſſe of theſe dayes, require diſcipline of ſharper lawes by puniſhment of bodie, and danger of goods, which they do, and will more feare, than they will excommunication: Secondly, wee have (ſaith he) a good manner of diſcipline, by the Eccleſiaſticall commiſſion which doth much good, and would do more, if it were more common. But why did he not ſpeake plainly, and why did hee not affirme devoutly, that diſcipline by excommunication, was good where the Church was in perſecution, and that it is not neceſſarie, nor ſo convenient under a Chriſtian Magiſtrate as it may be otherwiſe? For if Paſtors and Elders were appointed joynt officers, only for times of perſecution, and not to be under Chriſtian Princes, it followeth (theſe joynt officers ceaſing) that all acceſſories, appendices, and conſequences, of their joynt offices muſt alſo ceaſe, unleſſe it can be proved out of the holy Scriptures, that the offices of Paſtours

The Admonitor would have no excommunication at all

ought ſtill to continue, and that the Offices of Elders ought not to continue; becauſe the offices of Elders, with all their appendices, have beene tranſlated by our Saviour Chriſt unto Archbiſhops, Biſhops, Archdeacons, their Chancellours, Commiſſaries, and Officials. For unleſſe theſe Officers be Chriſts Officers, the diſcipline which they uſe cannot bind the conſciences of the people of God. And for this cauſe is it very probable, that he ſo commendeth diſcipline of ſharper lawes, and diſcipline by the Eccleſiaſticall commiſſion. For if theſe officers, by their diſcipline have not to do with the conſciences of men, then is it no marvaile that men feare not their diſcipline. And therefore if they will be ſtill officers, it is requiſite, that they call for ſuch a diſcipline, as might cauſe men to ſtand in awe of their authoritie. But were they indeed the officers of God, and had they indeed the authoritie from God, to execute diſcipline by excommunication, as Paſtours and Elders did in the Primitive Church; then were the looſeneſſe of this age never ſo great, yet that the children of God in England would more fear the loſſe of goods, lands, bodies, or lives, than the cenſure of Gods officers is one of the Admonitors paradoxes. And here I appeale the conſciences of all the reverend Biſhops and Prelates in the land, and let them anſwer me hardly, if they judge themſelves to bee the children of God, and had ſeven times ſeven thouſand lives, whether they had not rather ſeven thouſand times be committed to the Goaler of *Wincheſter*, than once be delivered over, to the Goaler of Hell. And are not all the children of God in England their brethren? And are they not all led by one and the ſelfe ſame ſpirit? And how then can they leſſe feare excommunication (which is a deliverie of the ſoule to Sathan) than the puniſhment of body and danger of goods? And yet touching this point of Excommunication, hee ſeemeth to be againſt himſelfe, for in the 137. page, he telleth us that happily it may be a fault, yea and a great fault that is found with the biſhops in theſe dayes, that they doe not excommunicate the Prince and Rulers, and ſo conſtraine them to doe that, which by perſwaſion they will not doe. If then excommunication bee ſo terrible to Princes and Rulers, how ſhould it be of ſo light account with ſubjects? And if it be ſo powerfull as it can conſtraine Princes and Rulers to doe their duties, how much more fearefull would it bee, to compell inferiours, and men of low eſtate, to live ſoberly in their vocations? I will not here debate the matter touching the excommunication of Princes and Rulers; much leſſe touching the excommunication of the Prince and Rulers of our land. But I would

gladly be informed, what they were, or who they be, that found great fault with the Biſhops in theſe dayes, for not endeavouring to excommunicate the Prince and Governours?

The Papiſts, they thinke it ſufficient, that the Prince and Governours, be excommunicated by the Pope, and his Clergie. The Miniſters, and people profeſſing the Goſpell, and ſeeking for reformation of excommunication, deny the Biſhops to have any divine power granted by the Word of God, to excommunicate a private man, much leſſe doe they thinke it lawfull for them to excommunicate the Prince and Rulers: Who then (I ſay) find fault with the Biſhop, that they do not excommunicate the Prince and Governours, and ſo conſtraine them to do that which by perſwaſion they will not doe? For my part I cannot gheſſe, whom he ſhould meane, unleſſe he meant to give us to underſtand, that ſome Prelatiſts have conſulted about the excommunicating, both Prince and Governors, for not making ſharper Lawes, againſt ſuch, as whom the Prelates, and their favourites, have falſly ſlandered, to be peſtilent fellowes, movers of ſedition, enemies to Cæſar, troublers and ſubverters of the ſtate; Puritans, and I wot not what chiefe maintainers of the ſect of the diſciplinarians; unleſſe (I ſay) he ſhould mind ſome ſuch Prelatiſts, I can not gheſſe any ſubjects within the land, to bee ſo unduti full, as to find fault with the Biſhops, for not attempting to bring our Late Soveraigne Lady the Queene deceaſed, to their excommunication. And therefore to enforme the people of an Author, and not to bring him forth, it argueth and breadeth great ſuſpicion that the enformer was the Author himſelfe. Touching the looſeneſſe of ſome or of all in theſe dayes, that are without the Church, if hee intend that they require Diſcipline of ſharper Lawes, by punihment of body, and loſſe of goods, than excommunication, and that they will more feare that manner of puniſhment, I hold, and affirme therein as he holdeth, and affirmeth, and yet (I ſay) that to the matter in queſtion, hee hath fitted no other anſwer, than as if hee had anſwered, a poke full of plummes, or a Buchet full of Peares, (for the controverſie is not concerning thoſe that are without, but concerning thoſe that are within: not touching thoſe, that are not of the houſe-hold, but touching them that are of the houſe-hold of faith and of God.) As for the firſt ſort of which people, the Reverend Biſhops with good leave, may procure what ſharp puniſhment, they can deviſe, for by the Church excommunicated they ſhould never bee.

Act. 24. 5.
Act. 1. 16.
20. 17. 6.

Excommunication toucheth them only which make profeſſion to be of the Church.

For how ſhould any be thruſt from the communion of the Church,

who never were in the communion with the Church? But it is to bee feared, that this ſharpneſſe of puniſhment, is not urged ſo much to be inflicted upon them, that are without, as upon them, that are within the boſome of the Church. For though ſuch, as bee without, did a long time ſcorne, and ſet naught by the ſword of excommunication, which was not onely drawne out, by the Chancelours, Commiſſaries, and Officials: for every cruſt of bread, and for every piece of Bacon, but alſo, which was againe put up, for every cracked grote, and for every *IRISH* harper; the Reverend Biſhops whoſe freehold by ſuch contempt, was not touched, were pacified, and contented themſelves well enough by inflicting, and releaſing that manner of puniſhment, but now for ſo much as they perceive the Children within the Church, to begin ſeriouſly, and religiouſly to ſtand againſt the uſe of Lordly and humane cenſures for the Crown and Scepter of our Saviour Chriſt, and that the ſtatelineſſe of Prelacy, muſt be taken one hole lower, if the ſimplicity of the holy miniſtery bee exalted a degree higher, they pretend Diſcipline by excommunication, which is the ſword of the Son, and heire of God, to be too bluntly pointed, and too badly edged, to foyne, or to ſtrike withall.

Touching that very good manner of Diſcipline by the Eccleſiaſticall commiſſion, which hee ſaith hath done and doth daily much good, and would doe more, if it were more common, the people whom hee admoniſheth, have juſt cauſe of being deſirous to underſtand what manner of Diſcipline it is, which is ſo highly commended. For all men know, that the Eccleſiaſticall Commiſſioners uſe not in all places, and at all times one and the ſelfe ſame manner of Diſcipline. For the ſame Commiſſioners, for the ſame kind of offences, ſometimes ſuſpend, ſometimes deprive, ſometimes degrade, ſometimes excommunicate, ſometimes fine, ſometimes impriſon, ſometimes command this penance, and ſometimes that. Nay ſometimes having convented before them, grave, Learned, and godly Miniſters, for crimes ſuppoſed to be Eccleſiaſticall, and for the ſame pretenſed Eccleſiaſticall offences, having detained them ſome yeares in durance, for refuſall of the oath *ex officio*: in the end not having any other ſuppoſed juſt cauſe of inflicting any puniſhment upon them, by Eccleſiaſticall authority, have been forced, for a ſhew, to maintaine their own credits, to cauſe accuſations to be framed againſt them, by the Queenes Attorney in the High Court of Star Chamber, as againſt violators of the dignities of the Royall Crowne, whoſe innocencies by the very witneſſes produced by their meanes on the behalfe

Not one manner of Diſcipline uſed by the Eccleſiaſticall Commiſſioners.

This Diſcipline was practiſed againſt Maſter Cartwright, Fenner, Whight, Snape, and others.

halfe of the Queene, have notwithſtanding beene fully cleared from the faults objected, and the Miniſters diſcharged, without any ordinary punishment uſually inflicted by that Court upon malefactors. Nay further, when the Eccleſiaſticall Commiſſioners had committed Maſter *Vdall* to priſon, where he remained halfe a yeare, for refuſall of the oath *ex officio*, touching his knowledge of the Author of a Booke, entituled *The Demonſtration*; in the end he was delivered over as a felon for making of the ſame booke, and for the which he was arraigned, and convicted, and ſo died in priſon: notwithſtanding our Soveraigne Lord, *King Iames*, then King of *Scotland*, had Gratiouſly written for his deliverance. And how then would the Admonitor have the people contented with ſuch a moderation of Eccleſiaſticall diſcipline, as the Eccleſiaſticall Commiſſioners many times uſe? For did he thinke that every manner of diſcipline uſed by the High Commiſſioners can not bee, but a very good moderation? Why then let ſome of the Commiſſioners, tell the people whether the Eccleſiaſticall Commiſſioners uſed a very good moderation, and manner of Diſcipline Eccleſiaſticall againſt the ſame Maſter *Vdall*, when they tendered unto him a corporall oath, to have appeached himſelfe upon a matter which was adjudged to be Felony? or let them declare, what a very good manner of diſcipline Eccleſiaſticall, certaine Eccleſiaſticall Commiſſioners uſed, when having a Gentleman before them, wearing long haire, they conſtrained the ſame Gentleman, by force, and ſtrong hand, to have his head notted in their preſence? The wearing of long haire, by our Lawes being not reputed an Eccleſiaſticall crime, no although the ſame be worne by attendants upon the Reverend Biſhops, waiting on their Trenchers. Or let them ſignifie unto us, what a good manner of diſcipline, and moderation it was for a Biſhop and his aſſociates, to make an act, in the High Commiſſion Court, repugnant to the Inſtitution of our Saviour Chriſt, and contrary to the order appointed by the Booke of Common Prayer, that the Miniſter ſhould put the Sacramentall bread into the mouth of a ſuperſtitious communicant, and not deliver it into his hands? After our hearty commendations (ſaith the Biſhop and his aſſociates) whereas *I. V.* one of your charge, hath beene often convented before us Her Majeſties Commiſſioners, in cauſes Eccleſiaſticall, for not receiving the holy Communion, it ſeemeth unto us, that he hath not of any contemptuous minde, refrained from the ſame, but is willing to receive it, and ſo hath bound himſelfe, ſaving that hee hath a ſcruple in his minde by reaſon of a fond vow, or promiſe hee made long agoe (whereof

Eccleſiaſticall Diſcipline uſed by the high Commiſſioners againſt M. Vdall.

An oath tendered by the Eccleſiaſticall Commiſſioners unto M. Vdall in caſe of Felony.

The Miniſter authorized, to put ſacramentall bread into the mouth of a Communicant.

(whereof he is sorry) never to receive the Sacrament into his hand, but to put it into his mouth by the Minister? And therefore wee pray you to beare a time, with his weakenesse, and permit him to receive it in that sort, untill by your good counsell, and perswasion, he may be reduced from that fond scruple. And so we bid you heartily farewell.

Your loving friends, &c.

Master Excommunicated by the High Commissioners, most whereof were lay men.

And seeing the Admonitor hath opposed a very good manner of Discipline, by the Ecclesiasticall commission against excommunication, it seemeth that excommunication in his judgement, is no good or moderate discipline, to be used by the Ecclesiasticall Commissioners. And then were it fit, that the people were resolved, what a very good manner of Discipline Master *D. W.* and other Ecclesiasticall Commissioners used against Master *E.* whom by vertue of the Ecclesiasticall commission they excommunicated? The tenor of which excommunication, taken out of the Register at *L.* followeth. *In Dei nomine*, Amen, *Nos* I. W. *Sacræ Theologiæ Doctor*, &c. *Cancellarius ecclesiæ*, &c. *M. A. M. Armigeri, & M. H. civis civitatis*, &c. *Commissarij rite, & legitime procedentes*, I. E. *de* B. L. *Dioceses ad hos diem & locum legitime, & peremptorie citatum, & præconizatum, dinq; expectatum, & nullo modo comparentem, pronunciavimus contumacem; & in pœnam contumaciæ suæ hujusmodi cum excommunicavimus in hys scriptis.*

Concordat cum } T
Regio. }

Authority committed to Pursevants by the Ecclesiasticall commissioners. If the Queen had specially commanded this search, it is credible, that her privy Counsellors should have set to their hands rather than the High Commissioners.

Moreover it seemeth not an unmeet thing, that some Ecclesiasticall Commissioners, did make knowne unto the people, whether banishment be an Ecclesiasticall Discipline; and what moderate discipline Ecclesiasticall the Commissioners used when they banished religious Master *Fullerton* the *Scot*, from dwelling at *Warwicke*, or within certaine Miles thereof. Or let them inform me the Realme, what a very good moderation was used, when by the Ecclesiasticall Commission, for suppressing of Martines Books, and other books of argument, against the Hierarchy, they authorized drunken and swearing Pursevants, to search mens houses, and to break up their chests, *&c.* the Copie of which their Letters is this, *viz.* Whereas the bearer is (say they) by the Queenes Majesty especially appointed, to make search, and to apprehend certaine suspected persons, according to such particular directions, as he hath in that behalfe received, these shall be to will, and require, and in her Majesties Name straitlie

ly to charge and command you, and every of you, to whom these shall appertaine, to be by all good and possible meanes, ayding, and assisting to the bearer in the execution of this service, by entring into all such houses, as he shall think meete, and hold suspected, as well within liberty as without, and that in them, and every of them, to make due, and diligent search. And to search all manner of writings, letters, papers, bookes, and all other things carrying note of suspicion, sparing no studies, chests, cubbards, lockes, or walles, as also to apprehend, examine, and bring before us, such persons, as by Her Majesties said direction, therein appointed, and wherein if he shall any way require your further assistance, you may not faile, to yeeld him the same, with all diligence, and dexterity, according to the trust reposed in you, as you will answer for your default, for the contrary at your uttermost perill. Directed unto all Mayors, Sheriffes, Justices of Peace, and quorum, Baylifes, Constables, Hedboroughes, Tything-men, and to all other her Majesties Officers, and Subjects, *&c.* But be it that all these manners of Disciplines, were moderate, and good Ecclesiasticall Disciplines, and more to be used, yet there may a scruple remaine, which were fit to be discussed, what a very good moderation, and manner of Discipline, within our remembrances, was used, betweene an Archbishop, and a Bishop, both high Commissioners, against certaine Gentlemen, and one of their Wives, about these Articles following.

Articles objected by her Majesties High Commissioners, for *causes Ecclesiasticall against* G. B. of B. and *F. B.* *of* B. *in the Countie of* L.

IN primis, VVe object unto you *G. B.* and *L.* your wife, that you have within these seven yeares, and so at this present, doe keepe company, and use conference with diverse persons, disobedient to her Majesties lawes, and such as be suspected to resort and frequent, unlawfull Conventicles.

Quere, whether this convention were lawfull, for this cauſe. Quere, againſt what law this entertainment was, and whether the Biſhop of L. converſing with Popiſh Prieſts and traytors, did not more offend.

Item, wee object unto you, to the end you might the better inſinuate your ſelves into their companies, you have tabled and boorded vvith the ſame parties, and that you or one of you, have beene heretofore convented for the cauſes aforeſaid, before the novv Lord Archbiſhop his grace, for entertaining into your houſe a perſon which ſtood then, and yet ſtanded ſuſpended, and deprived, for diſliking the Booke of Common Prayer, and other godly orders eſtabliſhed by Her Majeſties authority in this Realme.

Item, VVee object unto you the ſaid G. B. and L. your Wife, that you have not frequented divine ſervice, celebrated vvithin your Pariſh Church of Botheſe *vi.* 5. 4. 3. 2. or one yeares laſt, nor doe not at this preſent; at leaſt every Sunday, nor have received the holy Communion within your ſaid Pariſh Church during the ſaid yeares.

Quere, whether the Biſhop did not more offend the law of God by preferring theſe articles, than the Gentleman did by procuring his children to be Baptiſed by a preaching Miniſter having none at home.

Item, that you the ſaid *G. B.* and *L.* your Wife vvithin the time aforeſaid, have not Chriſtened, nor baptized your Children vvithin your Pariſh Church, but contrary to the forme, and order of Her Majeſties Lavves in that caſe provided, have either chriſtened them at home privately in your ovvn houſe, or have carried, or cauſed them to bee carried to other Churches. And let them declare what Church, and vvhat Miniſter did baptiſe them, and where, and vvhether the ſame Miniſter, did at the ſame baptiſme, ſigne the child vvith the ſigne of the Croſſe, and let them declare the cauſe, vvhy they did baptize their children out of the Pariſh.

Note that the biſhop of L. was not biſhop of the Dioceſſe.

Item, that the Miniſters pevv or ſeate in the Church of B. aforeſaid, by the direction of the L. Reverend Father in God the Biſhop of London that novv is, being at the ſame Church, as alſo by the conſent of the Miniſter, and Church-Wardens there, vvas placed in a very convenient place

place of the Church, to the end the Pariſhioners there might the better heare, and underſtand the Miniſter, at the time of reading the divine ſervice.

Item, We obiect unto you, that you the ſaid F. B. vvithin theſe *vi.* or 3. moneths laſt paſt, have vvithout any ſufficient vvarrant, or commandement from the Father in God, the Lord Biſhop of London or his Clancelour, or other having authority therein, very diſorderly, and contemptnouſly, removed the ſame ſeat, to the great offence of the Pariſhioners, and bad example of others.

Item, We obiect unto you, that you knovv, beleeve, or have heard ſay that Za. G. is a Preacher of the VVord of God, and a man of good life, and converſation, and lawfull Parſon of B. aforeſaid.

Item, VVe obiect unto you, that the premiſſes notwithſtanding, you the ſaid *F. B* upon a Sunday, within a quarter of a yeare, laſt paſt, vvhen the Pariſhioners of *B.* vvere aſſembled together, at the ſaid Church to heare Divine Service, cauſed diverſe ſerving men, and others to ſit in the Pevv or place, vvhich properly belonged to the Parſon of the ſaid Church: ſo that vvhen the ſaid *M. G.* came to take his place, they thruſt him, and very diſorderly in the time of Prayer, kept him out of the ſaid place.

Item, VVe obiect unto you *F. B.* that about ſix yeares paſt you the ſaid *F.* brought into the town of *B.* a baſtard child, as it is credibly thought of your ovvne, and there placed it at nurſe, and have lately received it into your own houſe, to the great offence of the inhabitants there, and the bad example of others. *Et obijcimus cum duobus & de quolibet.* Subſcribed, &c.

Whereunto in the foote of theſe Articles was added.

Maſter *B.* I pray you let this matter be followed *ex officio*, and the parties preſently to be ſent for, by warrant.

Subſcribed, *&c.*

Now theſe Gentlemen, according to the Biſhops direction, being preſently ſent for by a Purſevant, to anſwer the Articles objected, they forthwith make their repaire to the Archbiſhop, with a Copie of the Articles, with whom they finde ſuch grace, as in their behalfe immediately hee writeth to the Biſhop as followeth.

SAlutem in Chriſto, *My very good Lord, I have by meanes receiued theſe Articles enclоſed, ſigned by your Lordſhips hand, and can not but greatly marveile, that contrary to the orders of the Commiſſion Court, ſubſcribed by your ſelfe, and the reſt of the Commiſſioners, you would cauſe a Gentleman of ſuch a qualitie, as Maſter* B. *is to be ſent for by a Purſevant, before the ordinary proceſſe of a Letter miſſive were ſerved upon him, eſpecially for matters of ſo ſmall moment. Neither will it be thought to proceed of any juſt cauſe, but rather of ſome other miſconceite, when it ſhall be underſtood that there is a controverſie in Law elſewhere depending, betweene him and a kinſman of yours. And therefore for the avoyding of his further complaint and other offence, that may grow thereby, I heartily pray your Lordſhip to ſuppreſſe the ſame, and proceed no further therein. Deſiring you withall to have due conſideration of the cauſe, leſt I be enforced to deale likewiſe, in the defence of my kinſman, as you doe for yours. And ſo praying your Lordſhip to returne unto me anſwer hereunto, and what you meane to doe, with my very hearty commendations I commit you to the tuition of Almighty God. From,* &c. *the* 17. *of* October, &c. *Subſcribed* &c. *Unto which Letter alſo was added as followeth. Maſter* B. *I pray you according to the tenor of this Letter, to ſee that this cauſe of* M. G. *and* F. B. *be diſmiſſed from thence, and if any be bound to proſecute the cauſe againſt them, let them underſtand that I meane to heare it at,* &c. *otherwiſe let it wholly be diſmiſſed, and the bands delivered.*

Note that the ſigne of Croſſe in Baptiſme by an Archbiſhops opinion is but of ſmall moment, and that ſuſpition of baſtardy may eaſily bee diſmiſſed. Note that the 17. of October was the Sabbath day, at what time Arch. D. C. and D. B. ſitting as Commiſſioners, the Arch. took pen & inke, and croſſed the Articles all overthwart, and ſo ſent them backe with his Letter.

The *Biſhops* Anſwer to the Archbiſhops former Letters.

MAy it pleaſe your Grace to underſtand that I was the more willingly drawne, to ſend for M. B. *in that ſort, becauſe he was of, and of long time accuſed, not onely to be a diſ-*

ordered

ordered man himſelfe, but alſo a great and open maintainer and carier from place to place of that wrangling Puritan, W.: And as it is to bee proued, a refrainer from his Church, and from the Communion, as I am enformed. And therefore if wee haue omitted any circumſtance or ceremonie, it is in zeale of the redreſſe of ſuch a diſorderly perſon. Which if it ſhould bee found in your owne brother, I thinke your grace would not ſpare him. Neuertheleſſe if you your ſelfe take it in hand, to his redreſſe, I for my part ſhall bee intreated, ſo that the man bee amended, who hath caried himſelfe outragiouſly, both in that, and other things. And ſo referring the whole matter to your graces diſcretion, I take my leaue, praying God to bleſſe vs, in the peace of the Church. From, &c. the 17. of October, &c.

Your Graces moſt aſſured in Chriſt, &c.

Whatſoeuer ſpeciall cauſe might moue theſe two great Prelates, to ſtand either of them, for the defence of his kinſman, is not a thing materiall to this Treatiſe. But this honeſtly enough may bee auerred, that it is no very good nor moderate kinde of eccleſiaſticall diſcipline, either for the Archbiſhop and his aſſociates, in regard of his kinſman preſented to a benefice by the Gentleman, to cancell the articles of his colleague, and fellow commiſſioners: or for the Biſhops upon a ſplene taken againſt the Gentleman, for ſtanding vpon the right of his patronage, againſt his kinſman, to violate the publike orders, of the high commiſſioners, whereunto he himſelfe had ſubſcribed.

Many other formes of eccleſiaſticall diſcipline of late yeares haue beene vſed by the high commiſſioners: But whether they were all very good, and moderate diſciplines or no is greatly doubted, by many wiſe, learned, and godly men. And namely it is doubted, whether ſuch eccleſiaſticall commiſſioners, as by letters patents, vnder the great Seale of England were authoriſed from the Queen, to exerciſe, vſe, occupie and execute, all manner of iuriſdiction, priuiledges, and preeminences concerning any ſpirituall or Eccleſiaſticall iuriſdiction, be able to proue vnto the Realme, that they had lawfull power and authoritie, by the ſtatute of 1 *Eliz. c.* 1 or by the Queenes letters patents made according to the true intent of that

ſtatute, or by any other law or ſtatute of the Realme to depute and ſubſtitute any other perſon under them, to uſe, exercise and execute any part of that juriſdiction eccleſiaſticall, which by vertue of that ſtatute and letters patents, was committed only to their fidelities and diſcretions. And whether it were a very good manner of eccleſiaſticall diſcipline which was uſed, exerciſed, and executed either by the perſon ſo deputed, or by the Commiſſioners themſelves, upon any proceſſe or proceedings made by the ſaid perſon ſubſtituted.

Eccleſiaſticall diſcipline againſt the Magiſtrates of Banbury

Againe, it is doubted whether it were a good manner of Eccleſiaſticall diſcipline, for the high Commiſſioners to command the Magiſtrates of the towne of *Banburie*, at the ſuit of certaine popiſh companions to reſet up a Croſſe, which by vertue of the Queenes injunctions, they had peaceably, and lawfully pulled down. It is alſo doubted, whether it were a very good manner of Eccleſiaſticall diſcipline for the high Commiſſioners, to detaine Maſter *More* one yeare or two in priſon, depriving him alſo from his living, for his confident aſſeveration that *William Sommers* with divers others in *Lancaſhire* were poſſeſſed, and that Maſter *Dorrell* was not an impoſtor.

The occaſion of the Admonitors great commendation, of a very good manner of eccleſiaſticall diſcipline, uſed by the high Commiſſioners, hath neceſſarily drawn me, to ſhew the differences of the diſciplines uſed by the ſame. To the intent the Kings Highneſſe might be pleaſed with the advice of his Parliament, to conſult, whether it were not more agreeable to the good lawes, ſtatutes, and cuſtomes of the Realme, and more convenient, for the good government of the Church, to have one certaine forme and rule of Eccleſiaſticall diſcipline, to be eſtabliſhed, and to be uſed, by the high Commiſſioners; rather than thus at randome, to ſuffer their onely diſcretion, to be the Miſtreſſe of all Eccleſiaſticall diſcipline; eſpecially ſithence without any manner of appeale, or ſupplication to be made from them unto the King, they uſe what manner of diſcipline ſoever ſeemeth good in their owne eyes, whether moderate, or immoderate, Civill or Eccleſiaſticall, without check or controlement. Than the which there cannot ſeeme any thing more prejudiciall and burthenſome unto the people.

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ADMONITION.

Furthermore their whole drift, as it may ſeeme, is to bring the government of the Church to a Democracie or Ariſtocracie.

cie: the principles and reaſons whereof, if they be made one by experience familiar in the minds of the common people, and that they have the ſenſe and feeling of them, it is greatly to be feared, that they will very eaſily transferre the ſame to the government of the common weale. For by the ſame reaſons they ſhall be induced to thinke that they have injurie, if they have not as much to doe in civill matters, as they have in matters of the Church, ſeeing they alſo touch their commoditie and benefit temporally as the other doth ſpiritually, and what hereof may follow, I leave to the judgement of other.

ASSERTION.

Let it be granted, that their whole drift is to bring the government of the Church to that manner of government which the learned call Ariſtocracie, what incommoditie ſhould the Church or common weale receive by ſuch a government? when as the ſame government is not only authoriſed by the holy law of God, but alſo commended unto us by the deſires and wiſhes of ſundry acts of Parliaments. For ſaith the booke of Common prayer, the Diſcipline of the Primitive Church, is greatly to bee wiſhed. Ariſtocracie therefore, and the diſcipline of the Primitive Church, differing but in name, and not in nature, it cannot be hurtfull to the common weale, that the principles and reaſons thereof ſhould by experience be made familiar in the minds of the common people; nay it cannot but bee beneficiall unto the common weale, when the ſame ſhall underſtand, that the beſt obſervers of the law of God, and the beſt friends unto God and his people, are to be the Officers in the houſe of God. Neither is their whole drift, to be diſliked, but to bee commended, that labour to bring the government of the Church from a Papall Prelacie, to a Chriſtian Ariſtocracie: the one *viz.* Ariſtocracie, according to the interpritation of the name thereof, being *optimatum poteſtas*, a power of the beſt obſervers of the law; the other, *viz.* Prelacie, according to their practice, being *peſſimatum poteſtas*, a power of the worſt obſervers of the law: the firſt derived from the law of God, and practice of Gods people; the other reduced from the lawes and cuſtomes of the Gentiles and idolatrous Prieſts. And this of neceſſitie, in defence of the truth, the Admonitors argument, forceth me to ſpeake; for by

Book of common prayer, title communation and confirmed by 5 and 6 Ed. 6. c. 1. prim. Eliz. c. 2, 3 Eliz. c. 1. Ariſtocracie in the Church not hurtfull to the cõmon wealth.

Ariſtocracie in the Church optimatum, Prælacie peſſimatum poteſtas.

by an implication of the dislike of bringing the government of the Churches by Pastours and Elders, to a Democracie or Aristocracy, he hath by consequence, disclaimed and disavowed the government of the Church by Prelacie, to be any of those two. And what other government then should we thinke Prelacie to be, but either Oligarchie, or Tyrannie? For neither Monarchie may it be, neither Policie, or politicall estate can it be: and other kinde of government besides these there is not any. For my part, I more charitably judge of the government of the Church by prelacie, than to match it with Tyrannie. And although the Admonitor, and the perusers and allowers of his booke, were men in their generation wise, yet had they well weighed the nature of the government of Oligarchie, they would rather in this argument, have beene silent, than upon disclaime of Democracie, and Aristocracie, (governments both of them commendable in their kind) have cast the commendation of their owne government of the Church by Prelacie, to so desperate an estate, as is the estate of Oligarchie. Wherein if any doe glory, because not many of the best, but some few of the wealthiest, and richest sort doe governe, then let him hearken and consider, what (long since) was preached before Pope *Urban* the fifth, by one *Nicholas Orem*, a man singularly commended for learning in his time. Amongst all the regiments of the Gentiles, none (saith he) is more to be found, wherein is to be seene so great and exceeding ods, than in the policie of Priests: Amongst whom one is drunken, another is starved, amongst whom some bee so high, that they exceed all Nobles and Princes of the earth; some againe be so abaled, that they are under all rascals; and such a common wealth (saith he) may well be called Oligarchie. But *Thomas Aquinas*, hee seemeth to set the discommodities of Oligarchie a pinne higher: for (saith he) as a Kingdome hath in it the commodities of all other good regiments; of Aristocracie, that the Noblest and chiefest persons among the people, be taken to Councell: of policie or politicall estate, where an assemblie of all estates is had, and when the very best of all sorts, are chosen, to consult, and deliberate, of the publike weale: so doth Tyrannie containe, and hath in it all incommodities, and vices of all naugh ineffe and corrupt regiments: of Oligarchie it borroweth, that the most wicked and corruptest men be Counsellours, and that as it were a rout of Tyrants doe governe. The reasons and pillars of which Oligarchie, are immoderateneesse, excessiveneesse, disparitie, and inequalitie, passing and beyond all meane and mediate. Now if our reverend Bishops shall

Prelacie either Oligarchie or tyrannie.

Aq. & Mo. Nich. Orem his opinion of Oligarchie.

Tho. Aquin. what hee thinketh of Oligarchie. Aristocracie a good regiment.

Oligarchie a corrupt regiment

shew

ſhew themſelves to be malecontented with mee, as though out of the opinions of the learned men, I would gather that the government of the Church by Prelacie, is one of the corrupteſt governments; I am to deſire them to have patience untill they ſhall plainly demonſtrate unto us, that the ſame is not Oligarchy. For if hereafter they ſhall revoke their former diſgracefull judgements, againſt the diſcipline by Paſtours and Elders, containing in it the very nature of true Ariſtocracie; and will inſtruct us better of the true nature of their owne government of the Church by Prelacie; they ſhall finde us ſilyable to their opinion, ſo that it be grounded upon the principles and reaſons of truth. In the meane ſeaſon (after the faſhion of the Admonitors manner of admoniſhing the people, wee moſt humbly beſeech the King and Parliament to be enformed, that it is greatly to bee feared (if Prelacy bee Oligarchie) that the Prelates will endeavour to transferre that manner of government, from the Church unto the Common-Weale. And that the Common-Weale ſhall as miſerably be rent, and torne, with factions and uproares, as now the Church is diſquieted by ſchiſmes and diviſions. For if onely a few of the richeſt and welthieſt ſort, ſhall get an head, and beare all the ſway in the Common-Weale, they ſhall think by the Principles and reaſons of Oligarchie, that they have injury, if they have not as much to doe in civill matters, as the Prelates have to doe in the matters of the Church: And what hereof may follow, as the Admonitor leaveth, ſo do I alſo leave it to the judgment of other. Only if the way hereof already hath beene troden out unto them, by ſome who have not written, nor ſpoken, but yet practiſed the principles and reaſons of Oligarchie in the Common-Weale, onely then this I ſay, and adde as a Caveat, that the danger to come, is more heedfully to be prevented. For like as in good harmony (to make the Muſicke perfect) is required a moderate, and proportionate inequality of voices; which, if it too much exceed, taketh away all the ſweet melody, ſo by too much immoderate inequality, or diſparitie of Citizens, the Common-Weale falleth to ruine. But why may not the Government of the Church by Prelacie, be a Princely and a Royall Government? Indeed this queſtion, if it ſhould bee reſolved, by the Rules and Principles of the Canon Law, I could hardly diſprove that government to be Princelike: for, (as hath been ſaid before) *quilibet Ordinarius in Diœceſi, eſt major quolibet Principe.* Yea and every Biſhop, by the ſame Law, hath as abſolute a ſpirituall power, within his Dioceſſe, as a King hath a temporall power within his Kingdome. But becauſe that Law with

It is to bee feared leaſt (by the example of Prelates) Oligarchie be brought in the common-weale

A caveat againſt Oligarchie.

The government of the Church by Prelacy, is not Monarchicall.

the rules and principles thereof, is, or ought to be diſcarded out of this Kingdome, we will not wade in it. Only wee ſay that the government of the Church by Prelacy, cannot bee any kinde of Royall and Monarchiall government, becauſe Prelates have not like power ſpirituall, as Kings and Monarchs have power temporall. For there was never yet *lex regia, de Prælatorum ſpirituali imperio, lata, qua Prælatis, & in eos omne imperium ſuum, & poteſtatem aut Deus, aut populus Dei contulerit.* And therefore where the people have made the ſore ſaid regall Law, as there it is juſtly ſaid, *quodcunque Imperator per Epiſtolam conſtituit, vel cognoſcens decrevit, vel edicto præcepit, legem eſſe conſtat:* and *quod Principi placuit, legis habet vigorem*; So likewiſe, where there is no ſuch regall Law, made in the Church, there it is juſtly affirmed: *quod Prælato placuit, legis non habet vigorem*; *quodcunque Prælatus per Epiſtolam conſtituit, cognoſcens decrevit, vel canone præcepit, legem non eſſe conſtat.* And then how can every Prelate, or why doth every Prelate, by his ſole authoritie, injoyne Canons, Articles, Injunctions, and orders, to bee obſerved as Lawes, in all the Churches of his juriſdiction? If the Admonitor ſuppoſed the government of the Church by Prelacy to bee Monarchiall, becauſe the Queene was a Monarch, and that the Reverend Biſhop governed under a Monarch; then what did he elſe, but put a weapon into the hands of Paſtors and Elders, to prove their government alſo, to be Princely and Monarchiall? Becauſe Paſtors and Elders deſire not to have that manner of government, to bee brought into the Church, otherwiſe than by the Royall aſſent, Soveraigne authoritie, and expreſſe commandement of Our moſt Gratious King and Monarch. Beſides, if any government may bee therefore ſaid to be a Monarchy, becauſe the ſame is derived from an earthly Monarch, how much more than may the government of the Churches, by Paſtors and Elders bee adjudged Monarchicall, by reaſon the ſame is deduced from our heavenly and everlaſting Monarch. For the Reverend Biſhops by their publike preachings, and apologeticall writings teſtifie, that power and authoritie to ordaine and depoſe Miniſters; to excommunicate and to abſolve; to deviſe and to eſtabliſh rites and Ceremonies in the Church; to define what is truth; to pronounce what is falſehood; to determine what is ſchiſme; and to condemn what is hereſie: our Reverend Biſhops (I ſay) confeſſe this power, to be originally decided, unto the true Biſhops, and Paſtors of the Church from the Kingly and Soveraigne power of our Saviour Chriſt. By what name therefore ſoever the government of Paſtours and Elders in the Churches

Inſtitut. de jure natur. gent & ci. § Sed & quod.

If the government of the Church by Prelacy be Monarchicall, then may the government by paſtors bee ſo to.

M. Horne, biſhop of Winch. M. Jewell, biſhop of Sali M. Bilſon, biſhop of Winch.

chebe called, there is no manner of cauſe to diſlike of the planting of that government in a Monarchy, becauſe the ſame is inſtituted by the Monarch of Monarches, who is able, and ready, to uphold the ſtate of all Monarchies in Common-Weales, together with the ſtate of *Ariſtocracie* in his Church. Neither is there any cauſe for any Monarch in the world, to fear the making of Chriſtian common people, by familiar experience, to have the ſenſe and feeling of the principles and reaſons of *Ariſtocracy*.

No cauſe for a Monarch to feare, that his Chriſtian ſubjects ſhould have the ſenſe of Ariſtocracie in Church gouernment.

For if a people have once ſubmitted their neckes to the yoke of Chriſt, they can live a peaceable and godly life, under all kindes of powers, becauſe they know all kind of powers, to be the ordinance of God. But eſpecially, there is not, neither ever was, neither ever can there be, any cauſe for any King, or Monarch of England, greatly (as the Admonitor inſinuateth) to feare, that the common people, will very eaſily transferre the principles, and reaſons *Ariſtocracie*, to the government of the Common-Weale; and thereupon be induced to thinke that they have injury, if they have not as much to doe in civill matters, as they have in matters of the Church, ſeeing they alſo touch their commoditie and benefit temporally, as the other doth ſpiritually. And certes it ſeemeth that the Admonitor was drawne very dry of reaſon, when hee was faine to plucke this ſtake from the hedge, to make a fire, and to kindle the wrath of the Magiſtrate, againſt the forme of Diſcipline, by Paſtors and Elders. For whether hee intendeth that the Paſtors and Elders will think themſelves to have injury, if they deale not in all cauſes of the Common-Weale, as well as in all cauſes of their Churches; or whether hee meant, that the common people, will eaſily transferre, the government of the Common-Weale, from a Kingly *Monarchie*, to a noble *Ariſtocracie*, there is neither ſoothneſſe nor ſoundneſſe in his meaning. For ſithence the Learned Miniſters againſt the reverend Biſhops by the holy rules of our faith, maintaine that it is not lawfull for a Miniſter of the Goſpell, to exerciſe civill Magiſtracy, and that it is not lawfull for the man of God, to bee intangled with the affaires of this life; how is it probable, that thoſe Miniſters, will eaſily oppugne their owne knowledge, by their owne contrary practice? Or how is it probable, that they would overleade themſelves with that burthen, to eaſe the Church whereof they have contentedly expoſed themſelves into a number of reproches, contempts, bytings, and perſecutions? As for that other intendment of the Admonitors, that it is greatly to bee feared, that the common people will eaſily transferre Monarchy, unto *Democracie*, or *Ariſtocracy*,

Paſtors diſclaime to deale in civill matters

if the principles and reaſon thereof, by experience, were made familiar in their minds: this reaſon (I ſay) might ſeeme to carry ſome ſhew of affrighting a Monarch, if the ſame were inſinuated unto a King, whoſe people were never acquainted with the Principles and reaſons of Democracy, or Ariſtocracy: but this feare being inſinuated unto our late Soveraigne Lady the Queene, whoſe people ever ſince the time they firſt began to be a people, have had their wits long exerciſed, with the ſenſe and feeling, of the reaſons and principles, as well of *'Democracy*, as alſo of *Ariſtocracy*, what ſenſe had the Admonitor to urge this feare? That in the Kingdome of England, the common people have already the ſenſe and feeling of the reaſons and principles of Democracy cannot be denyed. For in every cauſe almoſt, as well of criminall, as civill juſtice (ſome few only excepted) to be executed in the Common-Weale, by the common lawes of the Realme, have they not ſome hand, and dealing in the ſame, by one meane or other? Nay which is more, have they not the ſenſe and feeling, of the making, and unmaking their own laws in Parliament? And is not their conſultations in Parliament, a meere Democritall conſultation? As much alſo there is to be avowed, for the ſenſe, and feeling of the reaſons, and principles of *Ariſtocracy*, to be already in the minds of the Peers, the Nobles, the Iudges, and other great men of the Realme. For are not the Wiſeſt, the Nobleſt, and the chiefeſt taken out of theſe, by the King, to be of his Counſell, and to be Iudges and Iuſticers in his Courts? Yea, and is not their Aſſembly alſo in Parliaments, a meere Ariſtocraticall aſſembly? And what tranſlation then is there greatly to be feared, out of the Church to be made into the Common-Weale, when the minds of all ſorts of our common wealthes-men, be already ſeaſoned, with the things which hee feareth? And when the Common-Weale is already ſeized of the Principles and reaſons, which he would not have familiarly knowne unto it? Wherefore that the King, the Nobles, and Commons, may no more be feared, with the ſtrangeneſſe of theſe uncouth, and unknown Greeke names, of *Democracy*, and *Ariſtocracy*, written in his booke with great and Capitall Letters; I have thought it my duty, by theſe preſents to informe them, that the government of the Church by Paſtors and elders now wanting amongſt us, and deſired to bee brought into the Church, by the Soveraigne authority of our King, Nobles, and Commons in Parliament (for the outward forme and manner thereof) is none other manner of Government, nor forme of policie, than ſuch as they, and their Progenitors and Anceſtors, for many hundred yeares together, without interruption have uſed and

The people of England have their wits exerciſed with the ſenſe of Democracy & Ariſtocracy

and enjoyed in the Common-Weale. And that therefore it will be a very eaſie matter, to transferre the ſame, to the government of the Church. For by the reaſons and principles of their owne government, in the Common-weale, and by the ſenſe, and feeling thereof, they may well bee induced, to thinke, that they have injury, if they have not as much to doe in matters of the Church, as they have to doe in matters of the Common-Weale, ſeeing they touch their commoditie and benefit ſpiritually, as the other doth temporally. And withall on the other ſide, I ſhall doe my beſt endeavour, to advertiſe them that the government of the Church by Prelacy, is ſuch a manner of Government, as was never yet in the adminiſtration of juſtice by any ſubject (no not touching the outward forme thereof) once admitted into any part of Common-Weale: and that therefore the ſame (if it may pleaſe the King) will very eaſily bee ſent, and tranſmarined unto *Rome*, whence it firſt came, and where it had it originall and birthright. And to the end, that wee may clearely diſcerne, whether the nature of the Government of the Church by Prelacy, or the nature of the Government, deſired to be planted by Paſtors and Elders, be more agreeable to the nature of the policy, received and uſed both by the Nobles, and common people, in the Common-Weale; it is neceſſary that the manners and formes, both of Prelaticall, and Paſtorall Government, bee made familiar unto the minde of the Reader. And becauſe wee have already declared, the manner of the election, and confirmation both of a Biſhop, into his Epiſcopall See, and of a Miniſter, into his Paſtorall charge; what the one is by the Law already eſtabliſhed, and what the other, by a Law deſired to be eſtabliſhed, ought to be, wee will not any more ſpeake of their entrance, into either of their places, unleſſe onely (a little to recreate the Reader) we meerely note what anſwer ſome Biſhops have made, when as long chaſing after Biſhoprickes, they have chafed in their mindes, for feare of loſing their prey: as was the anſwer of that Italian Biſhop, who being thrice demanded of the Archbiſhop, (as the manner is) *vis Epiſcopari? vis Epiſcopari? vis Epiſcopari?* and being willed by one ſtanding by, thrice againe to anſwer (as the manner is) *nolo, nolo, nolo.* Hee making no bones at the matter, anſwered aloud with an oath, *Proh Deum, dedine ego tot millia Florenorum, pro volo Epiſcopari, & jam debeo dicere nolo?* or as was the anſwer of that Engliſh Biſhop, who having promiſed a Courtier one annuitie of twenty pound, during his life, out of his Biſhopricke, if hee could procure the ſpeedy ſealing of his congedelier: within a while after, when

The manner of Policie, by Paſtors and Elders in the Church, is agreeable to the government in the common weale. The govern ment of the Church by prelacy, diſagreeable to the government uſed in the common weale.

The anſwer of an Italian Biſhop, loth to loſe his Biſhopricke.

The anſwer of an Engliſh Biſhop, having obtained his congedelier

when it was ſealed, he rapt out an oath, and ſware by Jeſus God, that the ſame Gentleman had done more for him, than an other great Courtier, who before hand, for that purpoſe, had received from him one thouſand markes: But whether all Biſhops buy their congedeliers dearer, or better cheape, is not a matter incident to this treatiſe; only if they buy deare, they may happily thinke with themſelves, that they may ſell deare, *vendere jure poteſt, emerat ille prius*, ſetteth not any price upon any wares in the Royall Exchange. But to return to our purpoſe, whence by occaſion of thoſe Biſhoply oathes and anſwers, we have a little digreſſed: let us ſee what is the manner and forme, of the adminiſtration of ſpirituall juſtice, in the government of the Church, by Prelacy, as the ſame is ordinarily adminiſtred, in all places throughout the Church of England. Wherein that wee be not miſtaken, it is to be underſtood, that the manner of adminiſtration of juſtice, whereof we ſpeake, is that adminiſtration of juſtice only, which reſpecteth the puniſhment of crimes Eccleſiaſticall to bee inflicted by ſpirituall cenſures. In all which caſes, penances, ſuſpenſion, and excommunications, in the Biſhops conſiſtory, proceed from the judgement, and authority of the Biſhop alone, if he be preſent, or from the ſentence and power of his Vicar generall, or Commiſſary alone, and if he be abſent: Nay doth not every ſuch cenſure likewiſe in the Archdeacons conſiſtory, proceed from the ſole authority of the Archdeacon? or if hee bee abſent, from the ſole authority of his officiall? But if the like courſe of the execution of Juſtice as this is, cannot bee found, to bee an ordinary courſe of Juſtice, in the Common-Weale, where Juſtice is adminiſtred in criminall cauſes, by the Miniſtery of a ſubject: I would faine learne, what prejudice may bee feared to redound unto the Common Weale, if the adminiſtration of ſpirituall Iuſtice (after a ſort) were eſtabliſhed, to bee after the ſame manner in the Church, after which civill Iuſtice is already practiſed in the Common-Weale. I ſaid after a ſort, to this end, leaſt I ſhould bee miſtaken. For the meaning is not, that ſpirituall Iuſtice ſhould be miniſtred exactly, in every reſpect, after the manner of civill Iuſtice, but the compariſon ſtandeth onely in this; that, as not any one temporall ſubject alone hath authority to heare, to examine, and to judge any one criminall cauſe, in any Court of civill juſtice, in the Common-Weale; ſo likewiſe that any one ſpirituall perſon alone ſhould have authority, to be examiner and judge of any one criminall cauſe in any Court of ſpirituall Iuſtice in the Church. For if certaine principall and godly perſons, aſſociated unto a learned and zealous Paſtor, in the preſence,

The manner of the adminiſtration of ſpirituall Iuſtice in the Church, by Prelacy.

No one ſubject in the Common Weale, can alone exerciſe civill juſtice, in cauſes criminall.

lence, and with the conſent and authority of the people of every Pariſh, did enjoyne penance, ſuſpend, or excommunicate a ſpirituall offendor, were not this forme of adminiſtration of ſpirituall Iuſtice, more conſonant, agreeable, and conformable, to the daily execution of civill Iuſtice in the Courts of the Common-Weale, than is the adminiſtration of ſpirituall Iuſtice, by the Biſhop alone, or by his Vicar generall alone, in his Conſiſtory? and to make this matter more familiar in the mind of the Reader, for an inſtance or two let us ſuppoſe, that Maſter Doctor *Bancroft* Parſon of S. *Andros* in *Holborne*, had choſen Maſter *Harſnet* to be his Curat, and withall that Maſter *Dodge*, Maſter *Mercury*, Maſter *Flower*, and Maſter *Briſket*, (all chiefe attendants on his late great Lord and Maſter) were inhabitants within the ſame Pariſh, and that the chiefe men, of the ſame Pariſh, had choſen thoſe to be aſſiſtants to him, and to his Curat, for the inquiſition of the demeanours of all the Puritans and Preciſians within his Pariſh; let this (I ſay) be ſuppoſed, would not hee and they (trow we) thinke it a high ſcorne, and an indignitie to be offered unto their Maſterſhips, in caſe it ſhould bee inſinuated, that Maſter Doctor *Stanhope*, were better able, with one little blaſt of breath upon a peece of paper, to blow away all Puritaniſme, out of the Citie and Dioceſſe of *London*, than theſe great Chapleins, and diſcreet Gentlemen, with their thunderings, and with their lightnings, were able to fright the ſame out of one poore Pariſh in *HOLBORNE?* And againe, to make this matter yet a little more familiar to the minde of the Reader, let us ſuppoſe again that thundering Maſter *Merbury* now Lecturer in the Church of Saint *Mary Overis*, were Paſtor of the ſame Church, and had, to be his aſſiſtants in the Miniſtery, but ſimple M. *Butterton*, and that they two, for the Elders of the ſame Church, to be choſen by the Pariſh, had ſuch, and ſuch, and ſuch men, lovers of all honeſty and godlineſſe, and enemies unto all diſhoneſty, and ungodlineſſe; could not theſe learned and grave Miniſters, with the aſſiſtants of ſuch wiſe and godly Borough-Maſters, bee as well able, to reforme Papiſts, Atheiſts, Swearers, prophaners of the Sabbath, drunkerds, adulterers, and ſuch like, within the Borough of *Southwarke*; as is Maſter Doctor *Ridley*, to bring to any good amendment of life, all ſuch kind of perſons, within the whole Dioceſſe of *Wincheſter?* If the examination and judgement of all theeveries, pickeries, burglaries, robberies, murders and ſuch like, were committed to Maſter Doctor *Ridley* alone for the Dioceſſe of *Wincheſter*, and to Maſter D. *Stanhope* alone for the Dioceſſe of *London*, were it not like, that for

The adminiſtration of ſpirituall Iuſtice, by paſtors and Elders, agreeable to the execution of civill juſtice in the Common-Weale

Maſter D. Bancroft what his aſſiſtants Letter, able to repreſſe puritans in one pariſh.

D. Stanhope, alone to repreſſe all in a Dioceſſe.

for one ſuch malefactor, as there is now, we ſhould ſhortly haue an hundred? And therefore to hold us ſtill to the point in queſtion, it is very plaine and evident, that this manner of ſpirituall juſtice, mentioned to be executed, by the Paſtors and Elders, is more correſpondent to the adminiſtration of civill juſtice, in the Common-Weale, than is that manner of the execution of ſpirituall Iuſtice, by Doctor *Stanhope*, or Doctor *Ridley*; by the Biſhop of *London*, or by the Biſhop of *Wincheſter*. For to begin with our meaneſt, and baſeſt Courts, let them ſhew unto us, any Court, Leete, Law-dayes, or Sheriffes turnes, within any County, City, Towne, Borough, Village, or Hamblet within the Realme, wherein matters of civill juſtice are heard, examined, and adjudged by one man alone. If for the common benefit of the Tenants againſt incrochments, over-laying of commons, waſt, nuiſances, or ſuch like, any paine is to bee offered, or preſentment made, the ſame is not ſet or made, by the Steward, Sheriffe, or other Officer alone, but by the common voyce and conſent of all the homagers, and ſutors to the Court. The Steward indeed is the director, and moderator of the Court, the giver of the charge, and the mouth of the whole Aſſembly, to pronounce and enact the whole worke of their meeting, but hee is not the onely inquiſitor, the preſenter, the informer, or the Judge, to diſpoſe all things according to his owne diſcretion. Beſides, matters of the Kings peace, are not committed in any Countie, or other place within the Realme, onely to one Juſtice of the peace alone. For neither at the generall Seſſions of the peace, nor at any other leſſe publike meetings, any perſon, for any offence, (whereof hee ſtandeth indighted, or for which hee is puniſhable) can bee fined, amerced, or bodily puniſhed, at the diſcretion of one Juſtice alone, but by the greateſt part of the Iuſtices aſſembled, his penaltie is to bee impoſed upon him. Furthermore, this manner of the examination of the fact, and declaration of the Law, for the tryall of the fact, and judgement of the Law, doth not reſide in the breſt of one Iuror or Iudge alone. In the Court of the Kings Bench, if a Priſoner hee brought to the Barre, and confeſſe not the Crime, by the Iuſtice of that Court hee can receive no judgement, unleſſe hee bee firſt indicted, by inquiſition of twelve grand Iurors at the leaſt, and afterward againe bee tryed by other twelve brought judically into the Court face to face. Yea and in this Court, neither the interpretation of the common Law, nor the expoſition of any ſtatute dependeth upon the opinion, credit, or authority of one Iudge, or not of the Kings chiefe juſtice him-

Matters in Leets and Lawdayes not overruled by one alone.

Breaches of the Kings peace, not puniſhable by one alone.

Juſtice in any of the B. Courts, is not executed by one Iudge alone

ſelfe alone; for his other three brethren and Co-Juges; varying from him in point of law, may lawfully over-rule the Court. The ſame manner of Judgement, for the Law is in uſe, and is practized by the Judges, in the Court of common Pleas, and by the Barons of the Exchequer in the Latin Court of the Exchequer. And not only in theſe Courts of law and Juſtice, but alſo in all the Kings Courts of equitie and conſcience; it is not to be ſeene that any one perſon alone, hath any abſolute power, without aſſiſtants, finally to order, judge, and decree, any cauſe appertaining to the juriſdiction of thoſe Courts. In the Court of Requeſts, there are not fewer than two, yea ſome times three, or foure, with Maſter of Requeſts in commiſſion, to heare and determine matters of equitie in that Court. In the Court of Wards and liveries, there ſitteth not only the Maſter of the Wardes, but alſo the Kings Attourney, the Receiver, and other Officers of the ſame Court. In the Court of the Exchequer-chamber, with the Lord Treaſurer (who is chief and preſident of that Councell) yet with him as aſſiſtants, doe ſit the Chancellour of the Exchequer, the Lord Chiefe Baron, and the other Barons. Whatſoever decree finall is made in the Kings high Court of Chancerie, the ſame is decreed, not by the Lord Chancellour alone, But by the Lord Chancellour, and the high Court of Chancerie: wherein the Maſter of the Roles, and the twelve Maſters of the Chancerie as coadjutors, doe ſit and give aſſiſtance. In the moſt honourable Court of Starre-Chamber, the Lord Chancellour, the Lord Treaſurer, and the preſident of the Kings moſt honourable Councel, and Keeper of the Kings privie Seale, or two of them, calling unto them one Biſhop, and one temporall Lord, of the Kings moſt honourable Councell, the two chiefe Juſtices of the Kings bench, and Common pleas for the time being; or other two of the Kings Juſtices in their abſence, have full power and authoritie, to puniſh, after their demerits, all miſdoers being found culpable before them. If we ſearch our ſtatutes (beſides the Courts, and matters determinable in theſe ſpoken of before) we ſhall finde, that the complaints of errour, whether it touch the King, or any other perſon, made in the Exchequer, ſhould bee done to come before the Chaucellour, and Treaſurer, who taking to them two Juſtices, and other ſage perſons, are duely to examine the buſineſſe; and, if any errour be found to correct and amend the Roles, &c. By reaſon of delayes of judgements, uſed in the Chancerie, in the Kings bench, common bench, and in the Exchequer, it was aſſented, eſtabliſhed and accorded, that a Prelate, two Earles,

In the Courts of Equitie are many aſſiſtants.

Court of requeſts.

Court of Wards.

Court of the Chequer Chamber.

High courts of Chancerie.

Court of Star-chamber. 3 H. 7 c. 1. & 2. H. 8 c. 20.

31 E. 3. c. 12.

14. E. 3. c. 5.

and two Barons choſen by the Parliament, by good advice of the Chancellour, *&c.* ſhall proceed to take a good accord and to make a good judgement. When it was complained unto the King, that the profits *&c.* of his Realme by ſome great Officers, &c, were much withdrawne and eloyned, *&c.* it pleaſed the King, &c. to commit the ſurveying, aſwell of the eſtate, of his houſe, *&c.* unto the honourable Fathers in God, *William* Archbiſhop of *Canterburie*, and *Alexander* Archbiſhop of *Yorke*, &c. by a ſtatute of commiſſion for Sewers: by a ſtatute for puniſhment of perjurie: by a ſtatute againſt making or executing of acts, or ordinances, by any *c* Maſters, being not examined; *&c.* by the Lord Chancellour, Treaſurer, or chiefe Juſtices, *&c.* By a ſtatute for the erection of the Court of *d* Augmentation: by a ſtatute for erection of the Court of firſt *e* fruits and tenths: and laſtly by an *f* act for redreſſe of erroneous judgements in the Court commonly called the Kings bench: By all theſe Statutes (I ſay) it is very apparant, that the Adminiſtration of publike affaires, in the common weale, hath never beene uſually committed, to the adviſement, diſcretion, or definitive ſentence, of any one man alone. Which point is yet more fully, and more perfectly to be underſtood, by the eſtabliſhment, and continuance, of the Kings Lord Preſident and Councell of *Wales*; of the Kings Lord Preſident and Councell eſtabliſhed for the *North*; of the Kings L. Deputie and Councel within the Realm of *Ireland*; of the K. highneſſe moſt honourable privie Councell, choſen by him for the aſſiſtance of his Royal perſon, in matters appertaining to his Kingly eſtate; and laſtly of the ſupreme and grand Councell of the three eſtates in Parliament, for matters concerning the Church, the King and the common weale. For whether reſpect be had unto the ſecret affaires of the Kings eſtate, conſulted upon in his Highneſſe Councell Chamber, by his privie Councellers, or whether we regard the publike tractation of matters in Parliament, there can be no man ſo ſimple, as not to know, both theſe privie and open negotiations, to be carried by moſt voices of thoſe perſons who by the K. are called to thoſe honourable aſſemblies. And what a vaine jangling then doth the Admonitor keepe, and how idely and wranglingly doth he diſpute; when againſt the government of the Church by Paſtours and Elders, hee objecteth, that the ſame will interrupt the lawes of the Realme: that it will bee great occaſion of partiall and affectionate dealing, that ſome will incline to one part, and that the reſidue will be wrought to favour the other; and that thereby it will be a matter of ſtriſe, diſcord, ſchiſme and hereſies? How-

10 K. 2 c. 1

16 H. 6. b 11 H. 7 c. 25. c 19 H. 7 c. 7.

d 27 H. 8 c. 27 e 32 H. c. 45. f 27 E. c. 8

Lord preſident, and councell in Wales.

Lord preſident and councell in the North parts.

Lord Deputie & councell in Ireland.

The King & his honourable privie Councell.

The King and his grand councell in Parliament.

brit

beit if never any of these extremities and dangers, have fallen out in the common weale, by any partiall or affectionate dealing of the Kings Deputies, Presidents, Judges, Justicers, and other Officers and Ministers, associated unto them for the administration of Justice, or equitie in any of the Kings civill Courts; how much lesse cause have we to feare any partialitie, affection, working inclination, favour, strife, debate, schismaticall or hereticall opinions, if once Pastours and Elders in every Congregation, and not throughout a Diocesse one Bishop alone, had the spirituall administration of the Church cause? Can many temporall Officers, Justicers and Judges, rightly and indifferently administer the Law, and execute justice and judgement, without that, that some doe incline to one part, and without that the residue be wrought to favour the other part? And cannot spirituall Officers dispatch spirituall affaires, without that, that they be partially and affectionally disposed? What? is it so easie a matter that the Ancients of God, and the Ministers of Christ, can the one part incline to righteousnesse, and the residue be wrought to favour wickednesse? can some incline to God and unto Christ; and can other some be wrought to follow Satan and Antichrist? For what other controversie, is required to be decided by Pastours and Elders, than the controversie of sin, between the soule of man, and his God? And is there any Christian Pastour or Elder, that will be wrought, rather to favour the sinne of a mortall man, than the glory of his immortall God? But to leave the state of the kingdome and common weale, and the good usages and customes of the same; let us come to the state of the Church it selfe, and to the lawfull government thereof, established even amongst us at this day.

The government of the Church, ought not to be by one alone.

For whatsoever our Reverend Bishops practise to the contrary, yet touching ordination and deposition of Ministers; touching excommunication and absolution; touching the order and rule of Colleges, Cathedral Churches and the Universities, the Ecclesiastical law doth not commit the administration of these things, and regiment of these places to any one person alone. The Universities admit not the government of the Chancellour being present, nor of his Vicechancellour (himselfe being absent) as of one alone, the Doctors, Procurators, Regents, and non-Regents, have all voices, and, by most of their voices, the Universitie causes take successe. The businesses of Colledges, by the statutes of their founders, are commended to the industrie and fidelitie of the President, Viceprovost, and Fellowes; unto the Provost and Viceprovost, and Fellowes; unto

The government in the Universities not by one alone.

The government in Colledges not by one alone.

the Warden, Sub-warden, and fellowes; unto the Master and fellowes; and unto such like Officers and fellowes. The Cathedrall Churches, their livings, and their lands, their revenues and their dividents, their Chapiters, and their co ferences, depend upon the will and disposition of the Deane and Chapiter, and not of the Bishop alone. Neither can the Bishop alone, by any ancient canon law (pretended to be in force) place, or displace, excommunicate, or absolve, any Ecclesiasticall person, without the judgement of the Chapiter. And aswell by a statute, 21. *H.* 8. c. 13. as also by the booke of consecrating Archbishops, *&c.* the presence of divers Ministers, and the people is required, at the ordination of every Minister. As for the deposition, or degradation of Ministers (under the correction of the reverend Bb. be it spoken) I think, they have not so much as any colour of any law for it. The form of the degradation of a popish and sacrificing Priest, by the Canon law can be no pretext to degrade a Minister of the Gospell, because a Minister of the Gospell is not set into his charge, *per calicem, & patinam*, with a cup full of wine, and dish full of hostes: neither receiveth hee any character at all of a shaveling priest. And because a Minister of the Gospell, is ordained only after that manner, which the statute law hath appointed, how should the ordination made by so high an authoritie, be undone by any other power? unto the former manners, of the administration of the causes of the Vniversities, Colledges, and Cathedrall Churches, may be added the execution of Ecclesiasticalll jurisdiction, committed heretofore by the Queen unto the Ecclesiastical Commissioners. For althought by the words of the statute, her Highnesse had full power, and authoritie, by her letters patents, to assign, name, and authorize, any one person, a naturall borne subject, to execute spituall jurisdiction; yet nevertheless, according to the laudable usages, and customes of her Kingdome, and courts temporall, she evermore authorised, not one alone, but divers and sundry, aswell temporall as Ecclesiasticall persons, for the execution thereof. Which manner of commission, because the reverend Bb. commend the same, and avow that it would do more good, if it were more common, it cannot but seem to be a most gratefull thing, unto all good men, especially unto those reverend Fathers, if humbly wee beseech the king, that his highnesse would be pleased, to make it more common. And therfore in the behalfe aswell of the reverend Bb. as of all the learned and grave Doctors, and Pastours of every Church, we most instantly intreate our most gracious Soveraigne Lord the King, that where in any parish there shall bee found a learned preaching Minister, resi-

dent

The government of Cathedrall Churches not by one alone,

Ex de excess. Prela. c. 2. Exc. de his quæ. sunt. cap. c. novit

Whether the degradation of a Minister be warrantable Monsieur de Iesis 164. in the 2 book of the Masse.

The ecclesiasticall Commission exercised by many commissioners, and not by one.

The ecclesiasticall commission commanded by the Bishop sif it please the King may be enlarged unto all parishes wherin are godly preaching Ministers.

dent upon his benefice, that there be would be pleaſed by his authoritie royall, under the broad Seale, to enable him, and ſome other godly and faithfull Knights, Eſquires, Gentlemen, Citizens, Borough-maſters, or other chiefe men of the ſame pariſh, to execute ſpirituall juſtice againſt drunkards, adulterers, ſwearers, railers and ſuch like eccleſiaſticall offenders, inhabitants only within the ſame pariſh. For in this caſe we ſay, as the reverend Biſhops ſay, *bonum quò communius, eo melius.* If any exception ſhould be taken, or challenge made ſcoffingly, and with ſcornfull termes, againſt theſe lay parochians, as hereto fore hath beene uſed, againſt lay-Elders, or lay-Aldermen (as they call them) let him that taketh ſuch exception, adviſe himſelfe well, and remember before he ſpeake, that in ſpeaking he controle not the policie, the practice, the wiſedome, and the authoritie of our late Queene deceaſed, and of our Soveraigne Lord the King now raigning; who authorized, and doth authoriſe lay men to bee Eccleſiaſticall commiſſioners. Which kinde of lay men, or lay Elders (as they call them) that they have joyned in the exerciſe of the chiefeſt cenſure of the Church, *viz.* excommunication, with Eccleſiaſticall perſons, hath beene already proved, by the ſentence of excommunication pronounced againſt E. by Maſter W. and his aſſociates, whereof divers were lay men. Againe if one lay Elder dwelling at Wincheſter, may call and aſſociate unto himſelfe, one Eccleſiaſticall Elder, dwelling at S. Georges in Southwarke, to excommunicate any parochian or Miniſter ſubject unto the Archdeacon of Surrey, in what pariſh ſoever of the ſame juriſdiction the partie ſhall dwell: if it be lawfull (I ſay) for every Ordinarie to joyne one lay Elder, and one Eccleſiaſticall Elder together in commiſſion, the one to pronounce ſentence of contumacie, the other to denounce ſentence of excommunication, for every ſpiritual contumacie, committed within his juriſdiction; what reaſon can any man pretend, why it ſhould no: be much more lawfull, for the King by his Royall authoritie, to appoint a learned, and preaching Paſtour, with the aſſiſtance of ſome companie of faithfull inhabitants of the ſame pariſh, to exerciſe all manner of ſpirituall juſtice within their owne pariſh?

No exception to bee taken againſt lay Elders, to be authorized by the king in every pariſh; hence the King authorizeth lay-Elders, in eccleſiaſticall commiſſion.

Diſcipline of excommunication exerciſed by one lay Elder and one Eccleſiaſticall Elder.

If the King ſhall ſtand in doubt, whether any Diſcipline by excommunication bee exerciſed, after this and this manner, in the Church of England, then to put his highneſſe out of all doubt hereof, may it pleaſe the King to conſider the precept of the reverend Biſhops made in their convocation; together with the practice of the venerable Archdeacon of *Surr.* following; The precept is this;

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Vnusquisque Vicarius generalis, Officialis, seu Commissarius, qui ordines ecclesiasticos non susceperit, eruditum aliquem presbyterum, sibi accerset, & associabit, qui sufficienti authoritate, vel ab ipso Episcopo, in jurisdictione sua, vel ad Archidiacono (presbytero existente) in jurisdictione sua munitus, idque ex præscripto judicis tunc præsentis, excommunicationis sententiam pro contumacia denunciabit. Every Vicar generall, Officiall, or Commissarie, which hath not taken upon him ecclesiasticall orders, shall call and associate unto him some learned Presbyter, who being armed with sufficient authoritie from the Bishop in his jurisdiction, or from the Archdeacon, being a Presbyter in his jurisdiction, shall denounce, and that by the prescript of the judge present, the sentence of excommunication for contumacie. Now the manner of the practice of this precept, ensueth in these words: *Iohannes Hone, legum Doctor, Officialis venerabilis viri domini Archidiaconi Surr. omnibus & singulis rectoribus, &c. salutem. Cùm nos rite & legitime procedentes, omnes & singulos quorum nomina, &c. in nõ comparendo coram nobis, &c. seu saltem in non satisfaciendo mandatis nostris, &c. pronuncia verimus contumaces, ipsoque, &c. excommunicandos fore decreverimus. Cumque discretus vir magister Roul. Allen presbyter, eosdem omnes & singulos subscriptos, ex officio nostro excommunicaverit in scriptis, justitia id exigente, vobis igitur committimus, &c. quatenus eos omnes, &c. sicut profertur ex officio nostro mero excommunicatos fuisse & esse, &c. palam denuncietis, &c. Datum sub sigillo officialitatis nostræ, 19. Die Decembris, Anno Domini, 1587. John Hone* Doctor of the Lawes, Officiall of the venerable man, and Archdeacon of Surr. to all and singular persons &c. greeting: Whereas we, otherwise rightly, and lawfully proceeding, all and singular whose names are underwritten, in not appearing before us, or at least-wise, in not satisfying our mandates, have pronounced contumacious, and decreed them to be excommunicated: And whereas also the discreet man M. *Rowland Allen* presbyter, one of our office, hath excommunicated, all and singular under written, justice so requiring, wherefore wee charge you that openly you denounce, and declare them, and every of them, so as aforesaid out of our office to bee excommunicated. Given under the seale of our officialitie. The 19. day of December. 1587.

Articulo pro Clero c. de huibusdam circa excom: excessib: coercend. 1584

D. Hones practice of the Bishops article.

By this practice, it doth appeare, that Doctor *Hone* and *Rowland Allen* canvaced many poore men very piteously, and that this poore curate *Rowland Allen*, had a warm service, to attend upon D. *Hone*, and to jerk those, whose points soever hee shall untie.

But

But becauſe this precept, was an article concluded upon by the reverend Biſhops in their convocation, and confirmed (as I ſuppoſe) by the Royall authoritie of our late Queene, wee will forbeare, to ſpeake what we thinke, might juſtly be ſpoken, againſt the incongruitie thereof. Only this without offence, to the reverend Biſhops, wee may ſafely demand: ſithence every ordinarie, whether he be a Biſhop, or a Presbyter, by this article of their owne device, hath ſuch an abſolute power, reſiant in his perſon, as that thereby, thorowout his whole juriſdiction, he may thus commit, the execution of Diſcipline, by excommunication, partly to one lay perſon, and partly to one eccleſiaſticall perſon, partly to a ſuppoſed ſpirituall elder, and partly to a Lay elder: ſithence (I ſay) this is ſo; we may ſafely demand, what reaſon they can produce, to hinder the King, from having authoritie to command three, or foure, or (if occaſion ſerve) five or ſix lay elders (as they call them) and one ſpirituall paſtor, being a true ſpirituall elder in deed, all lawfully choſen eccleſiaſticall Officers in the houſe of God, that they joyntly ſhould not execute the diſcipline of Chriſt, *viz.* excommunication and other cenſures of the Church, in every pariſh within his kingdome? If it bee anſwered, that in this caſe, the Presbyter alone doth excommunicate, is it not, as if one ſhould ſay, that the executioner doth give judgement when at the commandement of the Judge, he ſmiteth off the head, or caſteth downe the ladder? or may not as much be ſaid, for the execution whereof we ſpeak, that the Paſtor only ſhould excommunicate, when by vertue of his office, with the conſent, and not by the preſcript of the elders aſſociated unto him, he ſhould declare and pronounce the partie to be excommunicated? but let it be granted that *Rowland Allen*, denounceth the leſſon which is written in the paper, for him to read; yet it is cleare by the precept, that the ſame muſt bee done, by the preſcript of Doctor *Hone*, Beſides Doctor *Hone*, he citeth, he precognizateth the parties, and they being abſent, hee pronounceth them *contumaciter abſentes*, and *in pœnam contumaciarum ſuarum hujuſmodi*, decreeth them to bee excommunicate: and are not all theſe neceſſarie parts incident to the execution of diſcipline by excommunication? And how then can the Miniſter, bee ſaid to excommunicate alone, when Doctor *Hone* of neceſſitie muſt play three parts of the foure; without all, or without any one of which parts, the excommunication by reaſon of a nullitie, is meerely voide? Againe, the Act being done, as it were *uno puncto*, *ac uno halitu*, and *Rowland Allen*, and Doctor *Hone*, having

The K. hath as good right to command, excommunication, to be exerciſed by a Paſtor & Elders, as the Bb. have to commit the ſame to a Curate, & one lay Elder.

them

their commiſſion from the Archdeacon, *in ſolidum*, how can their judgement be divided? Furthermore, to ſay that *Rowland Allen* doth excommunicate, by the authoritie of Doctor *Hone*, were to overthrow the intendment of the article: Becauſe by the ſcope of the article, it is plaine, that the presbyter, to be aſſociated to the officiall, muſt only derive his authoritie from one who hath taken Eccleſiaſticall orders. But thoſe orders Doctor *Hone*, never tooke, otherwiſe: *Rowland Allens* preſence, had been unneceſſarie and ſuperfluous. And therefore if the excommunication bee of any validitie, then is diſcipline, by excommunication in the Church of England exerciſed, partly by our lay-Elder (as they call him) and partly by one Eccleſiaſticall Elder; wherein againe, it is worthy the obſervation, for the matter we have in hand; that D. *Hone*, a meere lay and temporall man, hath authoritie from the Archdeacon, to call, and aſſociate unto him, and to preſcribe *R. Allen* a Presbyter, and an other mans hireling Curate in *Southwarke*, to excommunicate, not only the Parochians, of an other Paſtors charge, but any other Paſtour whatſoever, ſubject to the Archdeacons juriſdiction. And hath not the Kings highneſſe then, as good right, as great a priviledge, and as high a Prerogative, to command Maſter Doctor *Andros*, or Maſter Doctor *King*, and lay Elders, by a lawfull election to be aſſociated unto either of them to excommunicate either of their owne pariſhioners, for publike drunkenneſſe, or other notorious ſinnes, committed in their owne pariſh? For if it be lawfull, at the voice of a lay ſtranger, that an hireling and ſtipendarie Curate, ſhould chaſe an other mans ſheep out of his owne fold, how much more is it it lawfull, that a true ſhepheard, ſhonld diſciplinate his owne ſheepe, feeding and couchant within his own paſture and within his owne fold?

Lay men appointed by the Queenes injunctions to execute ſome part of diſcipline.

Furthermore touching the admittance of governing Elders, or lay Elders (as they call them) unto the Miniſter of every congregation, according to the former pattern of one lay Elder, that the ſame is not, a matter ſo ſtrange, for lay men to bee joyned in this charge of eccleſiaſticall government, as the oppoſites beare us in hand to bee: it ſhall not be amiſſe, to call unto their remembrances, one of our late Soveraigne the Queenes injunctions, whereby certaine lay perſons, called overſeers, were commanded, to be choſen by the ordinaries, in every pariſh, for the better retaining of the people in obedience, unto divine ſervice. In every pariſh (ſaith the Injunction) three or foure diſcreet men, which tender Gods glory, and his true religion, ſhall bee appointed, by the Ordinaries, diligently to

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ſee, that all the pariſhioners duely reſort, unto their Church, upon all Sundayes and holydayes, and there to continue, the whole time, of the Godly Service. And all ſuch as ſhall be negligent, in reſorting to the Church, having no great, or urgent cauſe of abſence, they ſhall ſtraightly call upon them, and after due admonition, if they amend not, they ſhall denounce them to the Ordinarie. Thus farre the injunction. Which, that it is not meant of the Church wardens, appeareth by the very next article; for unto them, as is aſſigned an other name, ſo alſo another office. That ſidemen alſo, are not theſe kinde of overſeers, is plaine, in that they be neither ſo many in number, as are here required, neither choſen by the Ordinaries, neither yet doe they admoniſh and denounce, according to this article. Wherefore becauſe it is meet, that the effect of this injunction being religious, ſhould be put in due execution, it ſeemeth a thing very reaſonable, and much tending to the honour of the King, that his Highneſſe under his letters patents would bee pleaſed to appoint three, foure, or more diſcreet and faithfull perſons in every Pariſh, not only to performe the effect of this article, but alſo generally to overſee the life and manners of the people, that without great and urgent cauſes they reſort not unto Typlinghouſes, or houſes of evill note, and ſuſpected fame; and that upon the Sabbaths, they uſe no heatheniſh dancing, about their diſguiſed May-poles: And after due admonition if they amend not, to denounce them to the Paſtor of the place. For then might the Paſtor be encouraged, to give his faithfull diligence, as at the time of his ordination, he ſolemnly promiſeth unto the Biſhop, alwaies to Miniſter the Doctrine and Sacraments, and Diſcipline of Chriſt, as the Lord hath commanded; by which words inſerted it the booke, there is a plaine and open confeſſion made by all eſtates in Parliament, that Chriſt hath not only eſtabliſhed diſcipline, but a certaine forme of diſcipline in his Church, and that the paſtour to whom the care, and charge is committed to teach the people, ought to miniſter the ſame diſcipline. For it had beene a very abſurd part for the Parliament, to appoint the Biſhop, to receive a promiſe from the Miniſters, to miniſter the diſcipline of Chriſt, if Chriſt had not inſtituted a diſcipline; or that the ſame diſcipline, which he inſtituted, ha not in their judgements belonged unto the Miniſter. And therefore this very letter of the booke conviuceth the whole anſwer made unto the abſtract, touching this point to be very erroneous, frivolous and impertinent, to the point in queſtion: For whereas in the abſtract it is alleaged, that the Biſhop by vertue of

Book of the form of ordeining Prieſts.

Every Miniſter ought to miniſter the diſcipline of Chriſt in his owne cure, by conſent of Parliament.

the order and forme appointed, by act of Parliament; bindeth the Miniſter, aswell to Miniſter the diſcipline of Chriſt within his cure, as the doctrine and Sacraments of Chriſt, as the Lord hath commanded, &c. hereunto firſt he anſwereth, that theſe clauſes doe not diſpoſitively, ordaine any thing for diſcipline, as though the law meant, by authoritie hereof, to eſtabliſh, that the order in *theſe things, by the Realme received, ſhould bee holden as agreeable to the Word of God, but muſt be taken enunciatively, to declare and affirm, that following the order by Law eſtabliſhed, they ſhould doe agreeable to Gods will.* But alas what repugnancie is there heard? for how can the law declare and affirme that the Miniſters following the order by law eſtabliſhed, ſhall doe agreeable to Gods will, if the order in theſe things, by the Realme received, ſhould not (by the meaning of the law) be holden as agreeable to the Word of God? What? doth the law meane, that a man can doe agreeable to Gods will, in any thing, which is not agreeable to his wotd? or if the law have eſtabliſhed, an order in the diſcipline, which is not agreeable to Gods word, ſhall the Miniſters doe agreeably to Gods will, if they follow the Law? For the meaning of the Law is plaine, *viz.* that the Miniſter by vertue of his promiſe made to the Biſhop, ſhall bee no further bound to Miniſter any Doctrine, Sacraments, or Diſcipline received by the Realme, unleſſe the Realme have received the ſame, according to the commandement of God. For the Parliament having a religious conſideration, that the Miniſter of Chriſt, muſt not have ſo much reſpect, what the law of the Realme, as what the Law of God commandeth, carefully provided for his indemnitie in this behalfe.

The Miniſter by promiſe bindeth himſelf to miniſter the diſcipline of Chriſt. page 55 la. c 60

Repugnance is the anſwer to the abſtract.

Beſides, what a frivolous comment, hath he made upon the words of the booke, when he ſaith, that theſe words of the Biſhop, do not diſpoſitively ordaine any thing for diſcipline? When as the queſtion is not whether the Bb. words, but whether the law and booke diſpoſe any thing for diſcipline? For the Biſhop being but a ſervant to the booke, and to the law, and one unto whoſe fidelitie the execution of the law and booke is committed, though he doe not by his words, diſpoſe any thing of diſcipline; yet by his demand, he ſheweth unto the Miniſter, that the office of the Miniſtration of Diſcipline, within his cure and charge, is committed unto him, and that by his ordination, his perſon is fully enabled, as well to miniſter the Diſcipline, as to preach the doctrine of Chriſt. And hereupon alſo falleth to the ground, his other anſwer, as wholly impertinent to the point in queſtion. For where he ſaith, that the Law meant not by

A frivolous comment upon the words of the book of ordaining of prieſts. &c.

authoritie hereof, to eſtabliſh that the order of theſe things, by the Realme receiued, ſhould be *holden as agreeable to the word of God*; this (I ſay) ſeemeth wholly impertinent to the purpoſe of the abſtract. For there is no ſuch thing inſinuated, to be intended by the ſtatute: only the ſcope of the Authors drift, in that place ſeemeth to be this: *viz.* That every Miniſter, by vertue of his promiſe, enjoyned by act of Parliament, to be made by him, and by the office of miniſterie taken upon him, at the time of his ordination, hath bound himſelfe, to miniſter the doctrine, ſacraments and diſcipline of Chriſt, as the Lord hath commanded. And what then if the law, haue not authorized, diſpoſed, or *eſtabliſhed in particularitie, the order of theſe things, or if the Scripture haue not delivered every ceremonie, forme, or circumſtance, about theſe three things*, ſhall not the Miniſter therefore, miniſter theſe, or any of theſe three things at all? And ſuppoſe, I pray you, that neither this, nor any other law, had in particularitie, appointed the ceremonie of the Croſſe, the ceremonie of Godfathers, or any other ceremonie in Baptiſme; or that the Law had not appointed the ceremonie of kneeling, or any other ceremonie, at the celebration of the Lords Supper, ſhould not the Miniſter therefore, miniſter neither Baptiſme, nor the Lords Supper, in the charge committed unto him? yes he ſhould. And why: forſooth becauſe he hath promiſed ſo to doe, and becauſe the Lord hath commanded him ſo to doe. Beſides, ſithence every Miniſter, by vertue of his promiſe, and force of this law, is bound to teach the doctrine of Chriſt, to the people of his charge, notwithſtanding he be not tyed by the law of the Realme, nor by the holy Scripture, to any rite, ceremonie, or circumſtance, or to any exact forme, or particular manner in teaching, what reaſon can any man pretend, that the not particulariſing, of all rites, ceremonies, or circumſtances, in the Scripture, or the not eſtabliſhing of any order, by the law of the Realme, touching diſcipline, ſhould altogether hinder every Miniſter, from the adminiſtration of all diſcipline in the Church: For as touching the Anſwer, that the Miniſters may, and doe exerciſe not the leaſt parts of Diſcipline, of declaring by Doctrine, according to the word of God, mens ſinnes to bee bound and looſed, and the cenſure of rebuking and reproving openly, and that the diſcipline which the Miniſter is to execute, reacheth no further, than to teach his pariſh, with all diligence to keepe, and obſerve ſo much of the Doctrine, Sacraments and Diſcipline of Chriſt, as appertaineth unto them, as touching this anſwer (I ſay) it is as erroneous, as the former wee frivolous and

The anſwer to the abſtract wholly impertinent to the point in queſtion.

The not diſpoſing in particularity, all rites and ceremonies of diſcipline, doth not hinder the exercise of diſcipline by the Miniſter.

Anſwer to the abſtract pag. 59. page 55.

Diſc. of declaring by doctrine, is called diſc. erroneouſly.

impertineut. For as consolation and comfort, by way of exhortation, so reproofe and sharpe rebuking, by way of dehortation, belong properly to that part of the Ministers function, which concerneth the binding and loosing of sinners by doctrine, and not by discipline, and is but an application of the doctrine to a wounded, or feared conscience. He therefore that leaveth no other dissipline, to be executed by the Pastour of the Church, than of declaring by doctrine, mens sinnes to be bound, or loosed, and by teaching his Parish, to observe doctrine, sacraments, and discipline, confoundeth the matters both of discipline and doctrine. Againe if not any other discipline, was meant to be attributed, to every Minister, than such as is declared by doctrine, then these words, *viz.* (and the discipline of Christ,) were superfluously, and idlely added by the Parliament. For then had it beene sufficient for the Parliament, to have enjoyned the Bishop, to demand of the Minister only this and no more: *viz.* whether will you give all faithfull diligence, to minister the Doctrine and Sacraments of Christ? There is therefore some other kind of Discipline of Christ, intended by the Parliament, to be attributed unto every Minister, and wherewith also the law of the Realme doth enable every Minister, than is this manner of discipline of declaring by *doctrine and teaching the people*. And this discipline also must needs be understood, to be of the spirituall censures of the Church, because Christ never instituted any other discipline. And therefore because our opposites agree with us in a generalitie, that the doctrine, Sacraments, and discipline of Christ, are to be ministred as the Lord hath commanded only, and none otherwise, and yet nevertheless doe dissent from us touching the persons, by whome this discipline is to be ministred, because (say they) every particular ceremonie, rite, or circumstance of externall policie, are not set downe in Scripture, because of this their answer (I say) it is to be considered; First, unto what persons, the function of the ministration of the discipline of Christ, by the holy Scriptures is committed. Secondly, whether the same persons with their functions, bee arbitrable, ceremonious, rituall, or circumstantiall to bee altered, and changed by authoritie of the Church, as things indifferent, yea, or no. To the first, seeing to one and the selfe same person, the holy Scriptures attribute these two names, Bishop and Pastor, thereby signifying what are the two duties, which belong to the same one person; and seeing also no one person by Gods word is called a Bishop or Pastour, in regard of his fellow brethren, the other Bishops or Pastours, but in regard of his

Discipline and doctrine confounded by the Answerer.

The Parliament intendeth some other discipline, than of declaring by doctrine.

Answer to the abstract, 55, 60.

To what persons the discipline of Christ by the Scriptures is committed, and whether the persons be arbitrable or no, Phil. 1. 1. Tim. 5. 17.

owne flocke, which hee overſeeth; and ſeeing alſo in well ordered Churches, by the Ordinance of God, certaine men of approved godlineſſe (called according to the common name of the Hebrewes, by the common name of Elders, whom partly calleth Governors) were joyned as Eccleſiaſticall Magiſtrates, to the Biſhop, Paſtor, or teaching Elder, by whoſe common direction, and authority, Eccleſiaſticall diſcipline was practiſed; ſeeing (I ſay) theſe things are ſo, we affirme that the perſons, to whom the miniſtration of the diſcipline of Chriſt, rightly belongeth, are the perſons onely above ſpecified and none other. And further we ſay if any ſpirituall Diſcipline, or power, which directly belongeth unto the Conſcience, be miniſtred in the Church, by any other perſons, than by thoſe perſons onely, that the ſame Diſcipline is not to bee called the Diſcipline, but a meere prophanation of the Diſcipline of Chriſt. For as it is unlawfull, for any perſon, to uſurpe any part, of the Biſhops or Paſtors office, which conſiſteth in ſpirituall teaching the word and adminiſtring the Sacraments; ſo is it alſo unlawfull for any perſon to uſurpe any part of a Biſhops, Paſtors, or Elders office, which conſiſteth in ſpirituall rule and government. Whereupon it ſecondly followeth, that the ſame perſons, with their functions, are not arbitrable, ceremoniall, rituall, and circumſtantiall, as things indifferent to bee altered, by the authority of the Church, but perpetuall, ſubſtantiall, eſſentiall, and as it were the very maine and fundamentall pillers, to uphold, and ſtay the Houſe of God, from all ſpirituall ſliding, and falling downe. And therefore from the execution of the Diſcipline of Chriſt, we ſeclude the perſons of all humane Archbiſhops, humane Biſhops, Suffrafanes, Arch-deacons, Chancellors, Commiſſaries, Officials, and all *Rowland Allens*, becauſe their perſons together with their functions, are arbitrable, ceremonious, rituall traditionall, or circumſtantiall, yea and removeable at the pleaſure of the King and State.

1 Tim. 3. 1.

1 Cor. 12. 28.

The Diſcipline of Chriſt prophaned, if the ſame be miniſtred by other perſons, than the holy Scriptures do appoint.

Neither doth this diſagree, from that which was erſt ſaid of a Biſhop or Paſtor, that they be all one, in reſpect of their function. For it is not ſaid that an humane Biſhop, and Paſtor, but that a Biſhop and Paſtor are all one. For a Biſhop ſimply ſo called, is not a Biſhop, and Paſtor, in reſpect of his fellow brethren, but only in regard of his flocke, which he over-ſeeth, feedeth, and ruleth. But a humane Biſhop is hee, that is promoted, unto this dignitie by man, and who by mans authority taketh upon him ſuperiority, and preheminence over them which are equall unto him, touching their function, that intangleth himſelfe with civill government, and worldly

A Biſhop, Paſtor and Elder, and our Lord B. diffe.

What a Lord B. is.

affaires, and whoſe Biſhoply office conſiſteth not ſo much, in the diſpenſation of Gods Word and Sacraments, as in Lordly and Biſhoply apparell, Croſſing with the ſigne of the Croſſe, confirmation of Children, ſole impoſition of hands, ſole excommunication, ſole enjoyning of Articles upon the people and Clergie of his Dioceſſe, conſecration of Oratories, delegation of his Epiſcopall authority to his Suffragane Vigar generall, and principall officiall, and other ſuch humane and Biſhoply functions. All which are after the cuſtomes, precepts, and traditions of men. And albeit *D. O.* by vertue of the Queenes congedelier, were choſen, by the Deane and Chapter of *Lichfield, in Epiſcopum, & Paſtorem Eccleſiæ Lichfieldenſis*, yet is hee never intituled with the dignity of being the Lord Paſtor, but onely with the honour of being the Lord Biſhop of *Lichfield*, ſo that one and the ſelfe ſame perſon being a Biſhop, and a Paſtor, may bee a Lord Biſhop over Paſtors, but not a Paſtor, over Paſtors. Whereupon it followeth, that the Paſtorall authority, which he hath in common, with his brethren, the other Paſtors of his Dioceſſe, is of ſuperiority or preheminence, above theirs, and that touching the function, both of his, and their Paſtorall cure and charge, there is a paritie betweene him and them, by reaſon whereof, hee can have no power over them; becauſe *par in parem non habet imperium.* But why is it, that he can not be called *Paſtor Paſtorum Eccleſiæ Lichfieldenſis*, Lord Paſtor of the Paſtors of the Church of *Lichfield*, and yet may be called *Dominus Epiſcopus Paſtorum Eccleſiæ Lichfieldenſis*, Lord Biſhop of the Paſtors of the Church of *Lichfield*? Why? but only for that there is cuſtome, tradition, and the Law of man, for his Epiſcopall juriſdiction, and for that his paſtorall function (if he have any) belongeth unto him in common, with his brethren the other Paſtors, *jure divino.* The Biſhop then having theſe two ſeverall and diſtinct offices impoſed upon his perſon, the one by divine, the other by humane Law, the one humane and Epiſcopall, the other without pomp, and paſtorall; there ariſeth from thence this queſtion: by which of thoſe two functions hee may lawfully (I meane according to Gods Law) miniſter the Doctrine, Sacraments, and cenſures of Chriſt? If it bee anſwered, that it is lawfull for him, by vertue of his Paſtorall office, to miniſter the doctrine and Sacraments; and by force of his humane Epiſcopall office, to miniſter the cenſures of Chriſt, then is not the anſwer fitted to the queſtion, the ſame being made, *à bene conjunctis, ad male diviſa.* For the cenſures of Chriſt, as well as the doctrine of Chriſt, being ſimply of divine ordinance, it muſt follow (if his Epiſcopall

The Lord Biſhop of Lichfield is never honored with the title of being Lord Paſtor.

Paſtorall authority of a Lord Biſhop and of other Paſtours, is equall.

Whether a Lord Biſhop miniſter the Doctrin, Sacrament & diſcipline of Chriſt, by vertue of his lordly Epiſcopall or paſtorall office.

Epiſcopall power be onely of humane right, and paſtorall power be onely of divine inſtitution) that the cenſures may bee miniſtred by authority derived onely from man, but the doctrine and Sacraments, by power derived onely from God. Which commixion of divine and humane right, in the execution of the ordinances of God, can no manner of wayes be ſound, pure, and ſincere, and therefore alſo can not be pleaſing unto God. For no more can the cenſures of Chriſt, to the pleaſure of God, be lawfully adminiſtred, by the authoritie of any one whoſe function is of man, and not of God; than could the ſacrifice of God, bee offered by one, who was a prieſt of man, and not of God. Now that humane Epiſcopality, or Biſhoppiſme, in the Church of England, is authorized, and deduced from the power and Law of man, *viz.* of the King and Realme alone, is evident, as well by the donation and endowment of the Biſhoprickes founded by the Kingly Prerogatives of the Kings of this Realme, as by the erection and eſtabliſhment of the new Biſhopricks of *Cheſter*, *Glouceſter*, *Briſtoll*, *Peterborough*, and *Oxford*, with their Cathedrall Churches, Seas, Cities, meeres and bounds of thoſe humane Biſhops, for the exerciſe of their Epiſcopall adminiſtration, according to act of Parliament, authorizing the Kings Highneſſe, to make Biſhops by His Letters Patents. Nay further that humane Epiſcopall juriſdiction within the meres and bounds of every Dioceſſe within England is meerely of humane, and not of divine inſtitution appeareth by that power and authority which the King hath in tranſlating, and diſſolving of Biſhopricks, in conſerving Epiſcopall juriſdiction, ſometimes to ſuch perſons, as be no Biſhops (a did *William* the Conqueror, when hee gave Epiſcopall power to the Abbot of *Battaile*,) and laſtly, by the very manner and forme of the nomination, licence of Election, and authority of inveſtiture, confirmation, and conſecration of Archbiſhops and Biſhops, eſtabliſhed by the more poſitive Law of the Realme. But if it bee anſwered, that the Biſhop, by his humane Epiſcopall power, doth miniſter the Doctrine, Sacraments, and diſcipline of Chriſt, then is the caſe worſe with him than it was before: becauſe then not onely the Diſcipline of Chriſt, but alſo the doctrine and Sacraments of Chriſt, ſhould bee miniſtred by that authority which is of humane inſtitution. Beſides, the anſwer ſhould be untrue, becauſe the Biſhop at the time of his conſecration, doth not receive any authority to preach the Word, and miniſter the Sacraments; (for that authority was then committed unto him, when firſt he was ordained to be a Presbyter:) But the authority which hee receiveth at the time of

Lordly Epiſcopality authorized only by the Law of the Realme.

Note that King Henry the eight by letters Patents made Biſh. therefore, &c. 31. H. 8. c. 9.

25. H. 8. c. 20.

his conſecration, is to correct, and punith ſuch, as bee unquiet, diſobedient, and criminous within his Dioceſſe. Whereby once againe is that confirmed which was erſt ſaid, *viz.* That Epiſcopall power in England is not of divine, but of humane inſtitution. Eſpecially for that, by the Scriptures, it can not be proved, that there bee two ſeverall and diſtinct formes of ordinations; the one called conſecration, proper to a Lord Biſhop, for the exerciſe of Diſcipline; the other called ordination, peculiar to a Paſtor, or teaching Elder, for the miniſtration of the Word and Sacraments. Whereunto laſtly may bee added another maine reaſon, that Epiſcopall power in England, to miniſter the Diſcipline, can not therefore bee of divine inſtitution, becauſe, if it were of divine inſtitution, the Biſhop could no more ſurrogate the ſame his Epiſcopall power to his Suffragane, to his Vicar generall, or *Rowland Allen*, to miniſter the cenſures of Chriſt in his owne name, than hee can depute them or any of them, to miniſter the doctrine and Sacraments in his own name. But how doth it appeare, that the Vicar generall, *Rowland Allen*, or any other Presbyter, did ever excommunicate by the power, or in the name of the Biſhop? For the proofe hereof we ſhall not need to ſearch any other authenticall record, then the precept, and the practice before intreated of. For it is not ſaid in the precept, that the Presbyter, being armed with authority from Chriſt, but it is ſaid, that the Presbyter, being armed with authority, from the Biſhop, or Archdeacon, ſhall denounce the ſentence of excommunication; the practice alſo of Doctor *Hone*, every way, confirmeth as much. For therein Doctor *Hone* doth not challenge to be an Officer unto Chriſt, but he ſaith, that he is the officiall of the venerable Archdeacon of *Surrey*; and that Maſter *Rowland Allen* Presbyter, by vertue of his office, doth excommunicate, the parties who obeyed not his mandates, who made not their appearances before him, *&c.* If it be anſwered that *Rowland Allen*, though he be not an immediate officer from Chriſt, that yet nevertheleſſe, he is a mediate officer, depu ed to his office, by an immediate officer unto Chriſt, *viz.* the Lord Biſhop, or Archdeacon: then wee reply, and ſay: Firſt, that the Lord Biſhop and Archdeacon, be neither immediate, or medi te Officers, appointed by Chriſt, to bee miniſters of his diſcipline. Secondly, if they were immediate officers from Chriſt, that yet they have no authority by the Law of Chriſt, to tranſfer their right, or any part thereof, to an other perſon, in their name, or by their authoritie, to excommunicate. As for theſe words, *viz. In Dei nomine*, Amen: *nos Iohannes Hone*, or *nos Roulandus Allen*, *&c.* ſometimes uſed

If the Lord Biſh. have power to miniſter diſcipline by divine right then no more can he commit that his power, to an other, than he can commit the power which hee hath of preaching to another.

uſed in their ſcedule of excommunication; it is but a prophaning of the holy name of God, whereby they make themſelves guilty, of the taking of the glorious name of God in vaine. And thus much touching both the queſtion and anſwer, whether the diſcipline of Chriſt, may be miniſtred, by the Biſhops humane Epiſcopall power, yea or no. But now on the other ſide (becauſe no divine cenſure, can lawfully be executed in the Church, by that authority which is of humane inſtitution) if it be anſwered, that the Biſhop, by reaſon of his paſtorall power (which he is ſaid, to have over all the Paſtors and people of his Dioceſſe) may lawfully not onely miniſter the Word and Sacraments, but alſo the Diſcipline of Chriſt, unto them all; then it followeth, that by a Paſtorall power, one Paſtour, may bee a Paſtour of Paſtors, which is againſt the Scriptures, and contrary to the brotherly and fellow-like authority, which is common to all Paſtors under the Sunne, and betweene whom, touching their Paſtorall functions, there is to this day, by the Scriptures, as little ſuperiority, and as great a paritie, as ever there was betweene Apoſtles, and Apoſtles; betweene Prophets, and Prophets; or betweene Evangeliſts, and Evangeliſts; and as at this day, there is betweene Biſhops, and Biſhops; betweene Archbiſhops, and Archbiſhops; or betweene Patriarkes, and Patriarkes: yea, and as is between Earles and Earles, Dukes and Dukes, Kings and Kings, Emperours and Emperours. For no greater ſuperiority, or preheminence, hath any one Paſtor, over the perſon or function of an other Paſtour, touching the adminiſtration of any thing properly belonging to either of their paſtorall functions, than hath one Emperor, over the perſon or function of an other Emperor, or one King, over the perſon or function of an other King; or one Lord Biſhop over the perſon or function of an other Lord Biſhop, or one Archbiſhop, over the perſon or function of an other Archbiſhop, or than had one Apoſtle, over the perſon or function of an other Apoſtle. Nay then hath one eye over an other eye; one hand over an other hand, one arme over an other arme, or one foot over another foote. And therefore if touching the functions which Paſtors, either among themſelves, have in common one with the other, or which they have over their flockes, there be no diſparity, but that the Paſtors, to whom ſmall flockes are committed, doe as really, and as truly participate of the nature of true Paſtors, as thoſe great Paſtors doe, upon whoſe great ſhoulders, great burthens are impoſed; it behoveth great Paſtors, to prove unto us, by the holy Scriptures, that by the inſtitution of their great paſtorall function, they have

Whether L. Biſhops by paſtorall authority may excommunicate a Paſtor.

Paſtors over ſmall flockes, are as truly paſtors as paſtors over great flocks

As great paritie betweene paſtors & paſtor, as betweene Apoſtles and Apoſtles.

their power ſo enlarged, as that thereby they may preach the Word, miniſter the Sacraments, and excommunicate: and that on the other ſide, the little Paſtours, have their power by the inſtitution of their petie paſtorall offices, ſo ſtreitned, as whereby they may only preach the Word, and adminiſter the Sacraments, but not excommunicate: it behoveth (I ſay) great Paſtors, to bee able ſufficiently to ſhew unto us theſe things out of the holy Scriptures: or elſe it ſeemeth to ſtand, with reaſon and equity, deduced from the ſame Scriptures, that a Paſtor over a few, ſhould have like power to teach, and to governe a few, as a great Paſtor over many hath to inſtruct and to rule many. Marry, if they thinke, that onely great Paſtors bee true Paſtors, and that great powers ſpirituall, bee onely true powers ſpirituall; then let them alſo conclude, that onely great Knights be true Knights, that onely great Dukes be true Dukes, that onely great Kings be true Kings, and that onely great principalities temporall, bee true principalities temporall. Which concluſion if they ſhall judge, to be concluſionleſſe; becauſe King *Rehoboam* had as large a Patent, to feede, and to commmand two Tribes, as King *Salomon* his Father had to command, and to feede twelve; or as the Archbiſhop of *Yorke* may ſuppoſe himſelfe to have, over nine or tenne Counties, as the Archbiſhop of *Canterbury*, can have over nine and thirtie or fortie: then me thinketh it a matter, very reaſonably of them to be confeſſed, that all true Paſtors, whether they be great Paſtors, or little Paſtors, may lawfully exerciſe, all manner of ſuch true power ſpirituall, as unto true ſpirituall Paſtors by the holy Scriptures doth appertaine. For if Biſhops, being great Paſtors, may therefore preach, and miniſter the Sacraments, becauſe they be as they ſay, true Paſtors; then alſo may little Paſtors, therefore excommunicate, becaule they bee, (as the Scripture ſaith) true Biſhops. Wherefore, if the Lord Biſhop of *London*, by vertue of his Paſtorall office, (as he thinketh) which with his brethren the other Paſtors of his Dioceſſe, he hath in common deriveth unto him, immediately from the Word of God, may lawfully excommunicate; then the Paſtorall office, which Maſter Doctor *Andrews* hath over the people of his Pariſh of Saint *Giles* without *Creeplegate*, and the Paſtorall function which Maſter Doctor *White* hath over the people of Saint *Dunſtones* within *Temple-barre*, being as abſolutely, and as immediately, deduced unto them, out of the ſame word; what proofe can bee made out of the word, that the Biſhop being not Lord Paſtour of the Paſtours of his Dioceſſe, may lawfully by the word excommunicate, all manner of offenders both Paſtors and

Not only Kings of great kingdomes, but alſo Kings of ſmall kingdomes, bee true Kings.

and people, within his Dioceſſe; and yet nevertheleſſe that neither Maſter Doctor *Andrewes*, and Maſter Doctor *White*, by the ſame word may excommunicate, any one of their Pariſhioners at all? Nay further, what reaſon can there bee afforded from the Law of God, that Maſter Doctor *Abbot*, Deane of *Wincheſter*, that Maſter *Browne*, Maſter *Barlow*, and diverſe other Prebendaries, in the Church of *Wincheſter*, having certaine parochiall, and Paſtorall Churches, annexed to his, and their Deanry, and Prebendes, and Maſter D. *Grey* in his Pariſh by their paſtorall functions, ſhould have abſolute authority (unleſſe it bee during the time of the L. Biſhops triennial viſitation) to exerciſe the diſcipline of Chriſt, within their ſeverall, and peculiar Churches; and yet notwithſtanding, that neither Maſter *Richman* nor Maſter *Burden*, being both of them, grave, godly, and learned Paſtors ſhould have at any time, any paſtorall authority, to exercile any cenſure at all? And as it is in the Church of *Wincheſter*, ſo is it in the Church of *Pauls*, in the Church of *Salisbury*, and in well nigh all the Cathedrall, and Collegiall Churches, throughout the Realme. The Deane, Prebendaries and Canons, having certaine parochiall Churches exempted from the Biſhop within their exempt and peculiar juriſdictions, by meere Paſtorall authority (for Epiſcopall authority, by the Lawes of the Church have they none) may exerciſe all manner of ſpirituall cenſures, and that as well by their ſubſtitutes as by themſelves. Nay, which is more, in *Cheſhire*, *Lancaſhire*, *Yorkeſhire*, *Richmondſhire*, and other *Northern* parts, there be many whole Deanries, exempted from the Biſhops juriſdiction, wherein the Deanes and their ſubſtitutes, have nor only the probate of Wills, and granting of adminiſtrations, but alſo the cogniſance of Eccleſiaſticall crimes, with power to uſe the Eccleſiaſticall cenſures. Yea and this authority of the execution of Eccleſiaſticall cenſures, have thoſe Deanes, either long ſince by ſome papall priviledges obtained, or elſe by long uſe preſcribed againſt the Biſhops. Whereby againe, it is cleerely convinced, that Epiſcopall excommunication uſed in the Church of England, is not of divine Inſtitution, but only by by humane tradition. For were it of divine right, then could the ſame no more bee preſcribed, or by papall immunity bee poſſeſſed, than could theſe Deanes preſcribe power, or be enfranchiſed to preach the word or to adminiſter the Sacraments.

Rurall Deanes in Cheſhire, &c. uſe ſome part of Epiſcopall power. Epiſcopall power to excommunicate granted by papall priviledges, or preſcribed uſe. Power to excommunicate, if it be of divine right, may not be preſcribed.

Theſe things have we thus at large and more fully intreated of, to the end that the Kings Highneſſe, and His Parliament, and all ſorts of people, might well underſtand, how it is not altogether, an un-

uſuall and unaccuſtomed thing, in the Church of England, that private and inferiour miniſters (as they call them) in their owne right, and in their owne parochiall Pariſhes, without any authority from the Biſhop, ſhould exerciſe even the higheſt cenſure of the Church. And that in ſundry places of the Realme there is no preeminence in the matter of the execution of the cenſures, attributed to a Biſhop above a Miniſter. Nay which is more, than is attributed to a Biſhop above a Lay man: yea than to ſuch a lay man, who is authorized onely, by a lay man to his office. Which is evident by Eccleſiaſticall juriſdiction and cenſures, exerciſed a long time by Lay men, in the peculiar juriſdictions of *Newton*, *Gronbie*, *Anſtie*, *Soke of Rothely*, *Evington*, and other pariſhes and Hamlettes in the Countie *Leyceſter*. The Officers of all which places, for their ſpirituall authority, having not had any other warrant, than ſuch only as hath beene ſigned, ſometimes under the hand and ſeale of the right Honourable the Earle of *Huntingdon* deceaſed; ſometimes of the Honourable Sir *Henry Grey* Knight; ſometimes of *Henry Skipwith* Eſquire, and ſometimes of others.

No more prehemi-nence given to a B. than to a Miniſter, or to a lay man in ſome places for the uſe of excommunication.

For the avoyding therefore of ſundry intolerable inconveniences which hetherto hath enſued for want of that authority, which the Law ſetled, doth enable every Miniſter with, It is moſt expedient, that all humane authority in the execution of ſpirituall cenſures, bee utterly taken away, and that the divine and Evangelicall cenſures of Chriſt, bee miniſtred in every Congregation, where learned and godly Paſtors, with diſcreet Elders may bee had, as from the minde of the Lord they were executed, in the Apoſtolicall and Primitive Church.

I had almoſt forgotten to ſpeake of one common and uſuall kinde of juriſdiction ſpirituall in the uſe of the cenſures of the Church, by the Archbiſhops, which in caſes of their Prerogative, they have preſcribed againſt the Biſhops over the Presbyters and people of every Biſhops Dioceſſe, and Archdeacons juriſdiction, within their provinces: of one other common and uſuall kinde of pretenſed ſpirituall juriſdiction, and uſe of the cenſures, which the Archbiſhop and ſometimes the Deane and Chapter, (*ſede Archiepiſcopali*, or *ſede Epiſcopali vacante*) exerciſe: and laſtly, of that ſpirituall kinde of juriſdiction and cenſures, ſo called of the Church, which Suffraganes, and Archdeacons, have and doe uſe.

As touching which ſuppoſed ſpirituall power, both of the Archbiſhops and Archdeacons, becauſe the ſame their power, doth not only belong unto them *jure conſuetudinario & non ſcripto*, by unwritten

written, and not by written Law; I muſt conclude againſt the juriſdiction of the Archbiſhops Prerogative, and againſt the Archdeacons juriſdiction in all caſes, as out of St. *Cprian*, King *Henry* the eight concluded againſt the Pope. *viz:* That their authorities can not bee from Chriſt. Becauſe Chriſt ſaid, *ego ſum via, veritas, & vita.* He never ſaid, *ego ſum conſuetudo.*

Touching the juriſdiction of the Deane and Chapter, the papall Law being abrogated, how the ſame may lawfully now bee uſed, otherwiſe than by ſufferance and conſent of the King, and Realme, I know not. But of all ſpirituall authority exerciſed at this day in the Church of England, the ſame ſeemeth to draw moſt neare to the ſemblance of the government practiſed by the Apoſtles and Primitive Church. And might be approved in many points, if ſo be the Deane and Chapter, being as it were a Senate of preaching Elders, did no more commit the execution of their Eccleſiaſticall juriſdiction, to the wiſdome of one Vicar generall, or principall officiall, than they doe put over the leaſſing of their Lands, or dividents of their rents to the only diſcretion of one of their Bayliffes, or Stewardes.

As for Biſhops Suffraganes, in England and in *Wales*, how many there may be, and what Cities and Townes, are to be taken and accepted, for their Seas, it is at large expreſſed in a ſtatute, made for the nomination of Suffraganes. By which ſtatute alſo wee are given to underſtand, that it remaineth onely in the diſpoſition, and liberty of every Archbiſhop and Biſhop within this Realme, *&c.* to name and elect two honeſt and diſcreete ſpirituall perſons, being learned, and of good converſation, and them to preſent unto the King by their writing under their Seales, making humble requeſt to give to one ſuch of the ſaid two perſons, as ſhall pleaſe His Majeſty, ſuch title, name, ſtile and dignity of Biſhop of ſuch Seas ſpecified in the ſaid act, as the Kings Highneſſe ſhall thinke moſt convenient for the ſame, ſo it bee within the ſame Province, whereof the Biſhop that doth name him is. Beſides after ſuch title, ſtile, and name given by the King, it is ſaid that the King ſhall preſent, every ſuch perſon by his Letters Patents, under his great Seale, to the Archbiſhop of the ſame Province, wherein the Towne, whereof he hath his title, name, ſtile and dignity of Biſhop; and that the Archbiſhop ſhall give him all ſuch conſecrations, benedictions and ceremonies as to the degree and office of a Biſhops Suffragane ſhall be requiſite. It is further enacted, and provided that every perſon nominated, elected, preſented, and conſecrated according to that act, ſhall be taken, accepted, and

reputed in al degrees and places, according to the stile, title, name and dignity, that he shall be presented unto, and have such capacity, power and authority, honour preeminence and reputation, in as large and ample manner, in and concerning the execution of such Commission, as by any of the said Archbishops or Bishops, within their Diocesse shall bee given unto the said Suffragane, as to Suffraganes of this Realme heretofore, hath beene used and accustomed. And that no Suffragane made and consecrated by vertue of this act, shall take or receive any manner of profits, of the places, and Seas whereof they shall be named, nor use, have or execute, any jurisdiction or Episcopall power, or authority within their said Seas, *&c.* but onely such profits, jurisdiction and authority, as shall be licensed, and limited unto them, to take, doe, and execute, by any Archbishop or Bishop within their Diocesse, to whom they shall be Suffraganes under their seales. And that no such Suffragane shall use any jurisdiction ordinary or Episcopall power, otherwise nor longer time, than shall bee limited, by such Commission to him given upon paine, *&c.*

From which Act touching the use, and exercise of Episcopall power, and censures by the Suffragane, wee may againe safely conclude, that the EPISCOPALL power, granted by the Bishops, to be used by the Suffragane, is not of divine right, and institution, but onely from humane device and ordinance. For the Suffragan could not exercise any power called spirituall or Episcopall, unlesse by the Bishop hee were nominated, by the King elected and presented, by the Archbishop consecrated, and by commission under the Bishops seale authorized, in what manner, and for what time he should exercise the same. Custom then being not from heaven, but from the earth; and again the Bishops Commission limiting the Suffraganes delegated power being of man, and not of God, it followeth necessarily, that, that Episcopall power, which the Bishops use and exercise in *England*, can not be divine but humane. Because Episcopall authority which is divine, being conveyed from the Royall and Soveraigne authority of our Saviour Christ, the giver of all power unto every officer within his Church, cannot bee transferred, to any other person, by the same Bishop, by the King, by the body of the state, or by custome. For the Kings Person, and body of the state, nor being made capable by the holy Scriptures, to use and exercise that Episcopall power which is of divine Institution, can never transferre the same to others, whereof they bee themselves uncapable. And to defend that custome, or any municipall Law, should transfer divine Episcopall power from a divine B. to any human officer, is more erroneous.

And

And from hence if the now L. Biſh. of *London* judge his Epiſcopall power to belong unto him by divine, and that by the ſame right, he have power, as well to ordaine, depoſe, ſuſpend and excommunicate Presbyters, as to confirme boyes, girles, young men and maidens,) there ſeemeth to bee good reaſon that the ſame B. ſhould make it apparently knowne unto the King and Realme, by what power or commiſſion deſcended from heaven, hee may delegate under his Seale, the ſame his divine authority, of ordination, depoſition, ſuſpenſion, excommunication, and confirmation, unto Doctor *Sterne* his now Suffragane of *Colcheſter*.

For if from the holy Scriptures, hee can produce no warrant, for the making of a delegation of any part, of that Epiſcopall power which hee holdeth to bee committed unto him from our Saviour Chriſt: then well may we conclude againſt the ordination, depoſition, ſuſpenſion, excommunication, and confirmation made by the ſame his Suffragame, that the ſame his Suffraganes ordination, depoſition, *&c.* is not divine. For how can an ordination, a depoſition, *&c.* made by a Suffragane, be divine, when as the Commiſſion granted by the Biſhop, is meerely humane?

Wherefore ſeeing the Biſhop himſelfe, hath plucked certaine of his principall feathers from his own ſpirituall wings (if ſo be his own wings may be ſpirituall) and imped them with an untwyſted thread of humane policy, to the humane trayne of his Suffragane; and ſeeing alſo his Archbiſhops grace of *Canterbury*, in caſes of his metropoliticall prerogative, the Archdeacons, *London*, *Middleſex*, *Eſſex*, *Hertford*, the Deane of *Pauls*, and certaine Prebendaries in *Pauls*, the Deane of *Weſtminſter*, the Maſter of the *Savoy*, and diverſe other Perſons, have by Papall priviledges, or by ancient cuſtome preſcribed almoſt all other parts of his Epiſcopall power; there ſeemeth good reaſon, that the Biſhop ſhould againe declare, whether the Churches within the ſaid Dioceſſe after the deceaſe, or tranſlation of his Lordſhip ſhall ſtand in need of any Lordly Succeſſor, to ſit in the ſame Sea, for any other profitable uſe or purpoſe, than only for wearing of a white rochet, walking with a paſtorall ſtaffe, keeping ſeven yeares Sabboth, from preaching in his Parish Church at *Fulham*, conſecrating of Chappels, hallowing of Fontes, Chriſtening (as they call it) of Belles, whiting of Walles, painting of Tombes, garniſhing of Sepulchers, preſerving of ſuperſtitious Monuments in glaſſe Windowes, repairing and gilding rotten and outworne Croſſes, confirming Leaſes of Benefices, with cure of ſoules, upon ſmall rents, impropriying Churches, or ſuch like. For if the great

things

things of the Episcopall power, may bee transferred, either by expresse, or by secret consent, either by commission or custome, and that as well to an inferiour, as to a superior, as well to a Suffragrane, a Deane, an Archdeacon, and a Prebendary, as to an Archb. then it seemeth reasonable, that the smaller things, before spoken of, may well be performed, without any Lordly authority.

When I had thus finished, according to our line, that which I first undertooke, against the Admonitors pretensed dangerous alterations, innovations, and inconveniences, and was also purposed, to have added that which (in mine opinion) seemeth to prove that, which the Admonitor by his opinion, denyeth; *viz.* that the externall government of the Church should alwayes, and in all places be one, when (I say) I had thus purposed, by reason of some other present, and for the time more necessary occasion, I was driven to alter my minde, and to shew the same, in a place somewhat more convenient.

And yet in the meane while, it shall not be amisse, but a thing very necessary, in this place, so to cleare the state of the question betweene the Admonitor and me, as the same being rightly before hand understood, there might no prejudicate opinion be conceived against the truth.

The Admonitor against the not having one forme of externall policy in all ages and states of the Chutch, of Christ, alleadgeth that in *Denmarke*, they have Bishops, both in name and in office: that in *Saxony* th y have Archbishops, and Bishops in office, but not in name: that in *Tigure*, they have no Senate of Elders; nor the discipline by excommunication, which they more mislike; that in *Geneva*, in *Scotland*, and in other places, they have a government not much unlike that platforme which is desired to be among us: that in *Saxony*, and *Basil* they kneele at the Lords Supper: all *Tigure* they sit, and it is brought unto them, and that in other places they goe and receive it, for the more expedition, as they passe. And that he doubteth not but that the learned men, whom God sent, to instruct those Churches in which the Gospell in those dayes was first received, have bin directed by the spirit of God, to retaine this liberty, that in externall government, and other outward orders, they might choose such, as they thought in wisdome, and godlinesse, to be most convenient, for the state of their Countrey and disposition of the people.

Vnto all which wee answer briefly; *viz.* that Bishops both in name and in office being of divine institution, ought as well to be in the Church of *England* as of *Denmarke*, that it is an errour (by

their

their leave) in the Church of *Saxony*, not to have Arch. and Bb. in name, if ſo be they hold it lawfull to have Archb. and Biſhops in office. For what ſhould a neceſſary officer doe, without a convenient name? And touching the Church of *Tigure*, it is not materiall, what the ſame Church doth thinke not tolerable, or doth more miſlike, but what ſhe ought not to miſlike, or what it ought not to think tolerable. And then what a poore proofe is there here made (trow we) for the confirmation of the corruptions in the Church of England by producing of two witneſſes, two errours in the Church of *Tygure*. For not to like a Senate of Elders, and more to miſlike excommunication, is more and more to ſlide out of the right way.

And ſithence we have the whole Chriſtian Kingdome of *Scotland*, the moſt famous, and renowned Church of *Geneva*, and ſundry Churches, by his confeſſion in other places, to be lights unto us, and to agree with us, in a government not much unlike to that, which we deſire: wee have not onely great cauſe, to rejoyce in this our deſires, but alſo to be much comforted and encouraged, by theſe examples, by all holy meanes, to labour the full accompliſhment thereof. For by this teſtimony, and by theſe inſtances given and produced by himſelfe, the Admonitor hath quite and cleane weakened, and diſabled, his owne generall poſition, opinion, and thoughts of the unneceſſaries, and inconvenientneſſe, of having the Apoſtolicall and Primitive government, in the time of Peace, under a Chriſtian Magiſtrate.

For hath not the free Kingdome of *Scotland*, the free Citie of *Geneva*, and other Soveraigne and free Princes, Potentates and powers, (not being under Tyrants, and perſecution) received the ſame, as being the beſt, the fitteſt, the convenienteſt, and moſt neceſſary government (yea even in the time of peace and under their Chriſtian Magiſtracy) for the ſtate of their Countrye, and diſpoſition of their people?

And as touching rites and ceremonies, we affirme not, that every rite, ceremony or circumſtance to be uſed in the externall execution of Church governement, is preciſely ſet downe in the holy Scriptures, but touching the ſubſtance of government, thus we ſay, and thus we hold: *viz.* that the Officers and Governours appointed by our Saviour Chriſt, to be over the Churches in every Countrey (obſerving the generall rules of decency, comelineſſe, and edification) have liberty, with the conſent of their Chriſtian King, or other ſupreame Magiſtrate, to chooſe what rites and ceremonies,

they in wisdome and godlinesse shall thinke most convenient. And therefore we grant that the officers of Christ, in the use and dispensation of their functions, are no more exactly tyed, by any direct commandement in the holy Scriptures, to use at all times, and in all places, one only manner of rites and ceremonies, than were the Priests of the Law, to use all one manner of knives, to kill their sacrifices, or the singers to sing all songs after one manner of tune, or upon one kind of instrument, or then are Kings and Princes in all Countries commanded, to use all kind of circumstances, in the outward execution of civill justice in their Common-Weales.

As then, as it was lawfull for the Priests to have knives and trumpets of diverse fashions; and for the Levites to have their Musicall instruments of diverse formes: Nay as sundry Justices of Peace, in sundry Shires of the Kingdome, are not bound to keep their quarter Sessions, all in one day to begin, and to breake their Sessions at one instant; to stand, to sit, and to walke, whensoever they speake; to weare all one fashion, hats, caps, cloakes, or gownes, and such like: so likewise, is it with the Bishops, Pastors and Elders of the Church.

In the ministration of Baptisme, there is no direct commandement, that the vessell to hold the water, for the Childes Baptisme, should bee of stone, of pewter, of brasse, or of silver; whether the Minister should descend to the lower end, or the child ascend to the upper end of the Church: Whether the child should have a great handfull, or a little sponefull of water powred upon his head. In the celebration of the Lords Supper, it is directly commanded, that the people shall stand, sit, or passe: whether it should be celebrated every first or second Sabboth of the moneth; whether in the morning, at noone, or at night. In the ordination of Ministers, there is no just proofe to be made, that any certaine number of Ministers, are to lay on their hands, that the day of ordination should bee alwayes one: that the Minister should bee of such an age, or that the prayers should be of this or that length and forme of words. And therefore touching these and such like things of indifferency, wee agree with the Admonitor and Reverend Bishops that one forme of externall orders, rites and ceremonies is not of necessity, to bee in every Church, because there is no such order witnessed by the holy Scriptures to be of necessity. But touching the joynt, and severall functions of Bishops, Pastours, and Elders, that they, or any of them, should in any age or state of the Church of Christ bee wanting, or that such offices as by warrant of the Scripture are coupled

together, ſhould bee appointed, to execute any functions in the Church, then ſuch perſons onely, as for their functions, have warant from the holy Scriptures, wee cannot in any ſort thereunto agree. And why? forſooth becauſe all, both offices, and Officers in the Church, muſt only, and alonely, bee derived from our Saviour Chriſt, as from the only fountaine and beſtower of all officers, and offices in the Houſe of God. And therefore, albeit wee ſhould grant, (as the Admonitor hath ſaid) that the outward order uſed in the Primitive Church, touching rites and Ceremonies, by Biſhops, Paſtors and Elders, is neither neceſſary, nor ſo convenient as it may be otherwiſe, in the time of peace, and under a Chriſtian Magiſtrate, yet we may not hereupon imply, as his negative implyeth: *viz.* that Biſhops, Paſtors and Elders, or any of them, are neither neceſſary, nor ſo convenient officers, or governours, as other officers of mans invention might be. For which our opinion (by the help of God) we ſhall aſſay (as before hath beene mentioned) in an other place, to lay downe, out of the Word of God, ſome juſt proofes, (according to the Admonitors requeſt) that there ought to be in all ages and ſtates of the Church, this outward order and forme of government: *viz.* that Biſhops, Paſtors and Elders, ought evermore to be ſpirituall governours, and that evermore they, and none other, ought to uſe that eſſentiall kinde of ſpirituall government, and none other which was practiſed by the Biſhops, Paſtors and Elders, in the Apoſtolicall and Primitive Church. Alwayes leaving the outward rites and ceremonies of their ſpirituall kinde of governement, to bee indifferent, as erſt hath beene ſaid.

FINIS.

Speeches uſed in the *Parliament* by Sir *Francis Knoles*: and written to my LORD Treaſurer, Sir *William Cecill.*

TO the end I may enforme your Lordſhip of my dealing in this Parliament-time, againſt the undue claimed ſuperiority of the Biſhops over their inferior brethren, Thus it was,

Becauſe I was in the Parliament time, in the 25. yeare of King Henry the eight. In which time, Firſt, all the Clergie, aſwell Biſhops as others, made an humble ſubmiſſion to King Henry the Eighth, acknowledging his Supremacie, and deteſting the uſurpation of the Biſhops of Romes authoritie. Vpon which ſubmiſſion of the Clergie the King gave unto the ſaid Biſhops the ſame ample rule, that before they had under the Pope, over their inferiour brethren; ſaving that the ſame rule was abridged by ſtature by this parentheſis following, that is to ſay (without offending the prerogative Royall of the Crowne of England, and the lawes and cuſtomes of the Realme.) In the later end of the Statute, it was added, that whoſoever offendeth in any one part of that ſtatute, and their Aydors, Counſellors, and Abbettors, they did all fall into the penalty of the premunire. And after I had recited this ſtatute in the Parliamtnt houſe, I declared that in King Henry the Eight dayes after this: There was no Biſhop that did practiſe ſuperiority over their inferior brethren. And in King Edwards dayes, the ſaid Biſhops, obtained a ſtatute, whereby they were authorized to keepe their Courts in the Kings name: the which ſtatute was repealed in Queene *Maries* dayes, and was not received in her Maje-

ſties time that now is, whereupon it was doubtfull to me, by what authority the Biſhops do keepe their Courts now in their owne names, becauſe it is againſt the Prerogative Royall of the Crowne of *England*, that any ſhould keepe a Court, without ſufficient warrant from the Crowne. Whereupon I was anſwered, that the Biſhops doe keepe their Courts now by preſcriptions, and it is true that the Biſhop may preſcribe, that King *Henry* the 8. gave them authority, by the ſtatute of 25. of his raigne, to have authority and rule over their inferior brethren, as ample as they had in the Popes time. But this was no ſpeciall warrant for them to keepe their Courts by, and that in their owne names. And yet they have none other warrant to keep their Courts (as they doe now in their owne names) to my knowledge. And this was the cauſe that made them obtaine a ſtatute in King *Edwards* dayes, to keepe their Courts by, in the Kings name. Now, it is a ſtrange allegation, that the Biſhops ſhould claime authority at this preſent to keep their Courts in their own names, (as they do) by preſcription, becauſe the ſtatute of 25. doth reſtraine them generally from offending of the Prerogative Royall of the Crowne of *England*, and the Lawes and cuſtomes of the Realme. And no man may juſtly keepe a Court without a ſpeciall warrant from the Crowne of *England*, as is aforeſaid. And the generall liberty given by King *H.* the 8. to the Biſhops to rule and governe, as they did in the Popes time, is no ſufficient warrant to the Biſhops to keep their owne Courts in their own names by preſcription, as I take it. And therefore the Biſhops had done wiſely, if they had ſought a warrant by ſtatute to keepe their Courts in the Queenes name, as the Bb. did in K. *Edwards* dayes: In which time Arch. *Cranmer* did cauſe *Peter Martir* and *Bucer* to come over into this Realme to be placed in the two Vniverſities, for the better inſtruction of the Vniverſities in the word of God. And B. *Cranmer* did humbly preſer theſe learned men without any challenge to himſelfe

of any ſuperior rule in this behalfe over his inferiour brethren. And the time hath bin, that no man could carry away any grant from the Crowne of *England* by generall words, but that hee muſt have ſpeciall words to carry the ſame by: Therefore how the B. are warranted to carry away the keeping of their Courts in their owne names, by preſcription: it paſſeth my underſtanding.

Moreover, where as your Lordſhip ſaid unto mee, that the Biſhops have forſaken their claime of ſuperiority over their inferior brethren, (lately) to bee by Gods ordinance, and that now they doe only claime ſuperiority from her Majeſties ſupreme government: If this be true, then is it requiſite and neceſſary, that my L. of *Canterbury*, that now is, do recant and retract his ſaying in his book of the great volume againſt *Cartwright*, where he ſaith in plaine words (by the name of D. *Whitgift*) that the ſuperiority of B. is Gods owne inſtitution: Which ſaying doth impugne her Majeſties ſupreme government directly, and therefore it is to bee retracted plainly and truly. For *Chriſt* plainly and truly confeſſeth, *Ioh.* 18. 36. *That his Kingdome was not of this world.* And therefore he gave no worldly rule or preheminence to his Apoſtles, but the heavenly rule, which was to preach the Goſpell, ſaying: *Ite, prædicate in omnem mundum, qnicunq; crediderit & baptizatus fuerit, ſalvus erit: qui non crediderit, condemnabitur. Goe and preach in all the world, who ſoever ſhall beleeve & be baptized, ſhall bee ſaved: but he that will not beleeve, ſhall be condemned, Mark.* 16.15. But the Biſhops do cry out, ſaying, that *Cartwright* and his fellows, would have no government, *&c.* So, belike, the B. care for no government, but for worldly and forcible government over their brethren, the which *Chriſt* never gave to his Diſciples nor *Apoſtles*, but made them ſubject to the rule of Princes, who ought not to be reſiſted, ſaving that they might anſwer unto Princes, that they muſt rather obey God than men (*Acts* 5.29.) and yet in no wiſe to reſiſt the Prince, but to take up the Croſſe and follow Chriſt.